



HYACINTHE RINGROSE.

The Inns of Court.

AN HISTORICAL DESCRIPTION
of the
INNS OF COURT and CHANCERY OF ENGLAND.

BY
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‘To the noblest nurseries of Humanity and Liberty in
the Kingdom—the Inns of Court.’—BEN JONSON.

ROBERT LESLIE WILLIAMS,

OXFORD.

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BY MARY ELIZABETH WILLIAMS RINGROSE.

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TO
AN AMERICAN JUDGE
WHO HAS
MAINTAINED ON THE BENCH OF HIS NATIVE LAND
THOSE NOBLE TRADITIONS
WHICH GIVE SPLENDOUR TO OUR
ENGLISH INNS OF COURT,
THE HONORABLE VERNON M. DAVIS,
JUSTICE OF THE SUPREME COURT
OF THE
STATE OF NEW YORK,
THIS WORK
IS RESPECTFULLY INSCRIBED BY
THE AUTHOR.

PREFACE.

The purpose of this unpretentious volume is to furnish to the legal profession in the United States and Canada a clear but concise history and description of those ancient and honourable schools of law in England which for the past six centuries have been known as Inns of Court and Chancery. An Inn of Court is something more than a law school, it is an official legal society exercising plenary power as to the education, licensing and disbarment of barristers. From the moment of joining the Inn until he is called by its authority to the Bar, the student is under its old-fashioned but wise scrutiny; and after he dons the wig and gown the barrister is still a member of the Inn and subject to its rules and discipline.

The four Inns of Court, Middle Temple, Inner Temple, Gray's and Lincoln's Inn, are all equal in honour and authority, but all are separate and have their individual history, traditions and associations. We take it for granted that every judge, lawyer, professor of jurisprudence and law student every-

where must be interested in knowing everything possible concerning these venerable societies. Even those who dislike England and persons and things English cannot escape the conclusion that not only has England given to the world the most splendid literature known to man, and a language which is world conquering, but she has been the cradle of a jurisprudence which is both just and scientific.

Some day men may find a better way to settle disputes with their fellows than to submit the controversy to a court where the system of law which comes from England prevails, but even then the names of great English judges and lawyers will shine just as bright in the book of history.

The Inns of Court will always be sacred monuments of the Common Law, and worthy of the apostrophe of Ben Jonson who described them as the "noblest nurseries of Humanity and Liberty in the Kingdom."

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THE INNS OF COURT.

CHAPTER I.

INTRODUCTION.

ONE can step aside from busy, modern Fleet Street, the famous journalistic centre of London, and in a minute be in the midst of stately mediæval buildings, spacious lawns and flower gardens, and sombre old quadrangles having all the appearances of a university town in the middle ages.

This is the Temple where are situated two of the four ancient Inns of Court, Middle Temple, and Inner Temple. These Inns of Court with the two others, Lincoln's Inn in Chancery Lane, and Gray's Inn in Holborn, are voluntary non-corporation legal societies seated in London, having their origin some time about the end of the thirteenth or the beginning of the fourteenth century, and possessing, by customary law, the exclusive privilege of calling, or admitting candidates to the Bar. They may be regarded as colleges which together make up the official legal university of England.

Formerly subsidiary to the Four Inns of Court were the nine Inns of Chancery, which now, however, have little beyond local connection with them, and are let out in chambers to solicitors, barristers,

and the general public. These are Clifford's Inn, Clement's Inn, and Lyon's Inn (now the site of the Globe Theatre), attached to the Inner Temple; New Inn and Strand Inn, to the Middle Temple; Furnival's Inn and Thavies' Inn, to Lincoln's Inn; Staple Inn and Barnard's Inn, to Gray's Inn.

Serjeants' Inn, Chancery Lane, was originally set apart for the use of the serjeants-at-law, whose name is derived from the *Fratres servientes* of the Knights Templar; but the building has long since passed to other uses.

The men of the law in England were anciently persons in holy orders, and the judges were originally bishops, abbots, deans, canons, and archdeacons.

In 1207 the clergy were prohibited by canon from acting in the temporal courts, and thereupon students of the law settled in certain hotels or inns which were thenceforth called Inns of Court. They were called inns, according to Sir William Dugdale, because the students in them "did there not only study the laws, but use such other exercises as might make them the more serviceable to the King's Court." Sir John Fortescue tells us that in order to serve the courts of justice and profit their country, the students in the Inns of Court "did learn to dance, to sing, to play on instruments on the ferial days, and to study divinity on the festival."

The situation of the Inns of Court was admirably chosen with reference to the objects of those institu-

tions ; being fixed in a locality free from the noise and bustle of the town, adapted for healthful retirement and uninterrupted study, and at a convenient distance from both Whitehall and Westminster.

The two societies or inns of the Temple, Middle Temple and Inner Temple, were located on the banks of the Thames :—

“Those bricky towers,
The which on Themmes brode back do ride
Where now the studious lawyers have their bowers,
There whilom wont the Templar Knights to bide
Till they decayed through pride.”

It would have been impossible to have selected a more delightful or more dignified situation with that majestic river in its original purity, a free atmosphere, open country, and a line of palaces stretching from the Temple to Whitehall. It is impossible to fix with certainty the exact period when the professors and students of the common law first began to associate themselves together as a society, and form themselves into collegiate order ; or to assign an exact date to the foundation of the Inns of Court, the original institution of which nowhere precisely appears. There were persons learned in the law, and skilful in pleading causes, professionally employed as early as the reign of William Rufus ; and in the time of Stephen the municipal laws were studied in monasteries, seminaries, and families of distinction.

The civil law, which the clergy had exerted themselves to introduce into England, being unpalatable

to the nation, many persons, at a very early date, devoted themselves with zeal and diligence to the study of the common law, or, as it was called emphatically, the law of the land; which was taught in the City of London by learned men of the law, who set up schools for that purpose. After the establishment of the Court of Common Pleas by Magna Charta, the practitioners of the municipal law took up their residence in houses between the King's Courts at Westminster and the City of London, forming then one community; and before the end of the reign of Edward II. they appear to have divided themselves into separate inns or colleges, at Temple Bar, Lincoln's Inn, and Gray's Inn.

In the time of the republic in ancient Rome, it was the practice for youths who designed to study jurisprudence, and adopt the profession of the law, after finishing the usual course of study in grammar, Grecian literature and philosophy, to attach themselves as pupils to some of the eminent lawyers of the day, whose houses they frequented, and whom they attended in public, in order to profit by their example and experience. Those lawyers who were distinguished for their knowledge were consulted at their own houses. They gave their opinions sometimes by word of mouth and sometimes in writing. In difficult cases they consulted their brother lawyers near the temple of Apollo, in the forum, and after consultation together pronounced a joint opinion. Students of the Roman law were called *studioni juris vel jurisprudentiae*. Lawyers were

styled *advocatus*, *causidicus*, *jurisconsultus*, and *jurisperitus*. Under the emperors lawyers were permitted to take fees from their clients after the conclusion of the cause. Schools for instruction in law were opened by Cassius and other eminent lawyers, the students being called *auditores*.

Notwithstanding the occasional intrusion of base and venal men into the profession of jurisprudence in Rome it was held in high respect. Cicero describes the house of an eminent lawyer as the oracle of the city; Pliny terms the profession of the law the most honourable of all professions; and the Emperor Justinian immortalised his name by promoting its study, and conferring upon its professors numerous rewards and distinctions.

In England, however, the legal profession had distinctly an ecclesiastical origin, of which we are reminded even in the present terms of court which are named in honour of St. Hilary, Bishop of Poitiers, Easter, Holy Trinity and Michaelmas. In olden times the lawyers awaited their clients for consultation in the Round Church of the Knights Templar, and similarly the serjeants-at-law were accustomed to resort to St. Paul's Cathedral, where each serjeant had a pillar assigned to him.

Many old things and customs have passed away even in conservative England, but the four Inns of Court still remain, and no man can be licensed to practise as a barrister or advocate in the courts of England unless he has become a member of, and been called to, the Bar, by one of these Inns.

The history of the Inns of Court is the history of English jurisprudence, and it is a history flavoured by the most delightful romance. Writing of the Temple, William Makepeace Thackeray, himself a member of Middle Temple, says in "Pendenis": "Nevertheless, those venerable Inns which have the 'Lamb and Flag,' and the 'Winged Horse,' for their ensigns, have attractions for persons who inhabit them, and a share of rough comforts and freedom which men always remember with pleasure. I don't know whether the student of law permits himself the refreshment of enthusiasm, or indulges in poetical reminiscences as he passes by historical chambers, and says, 'Yonder Eldon lived; upon this site Coke mused upon Lyttleton; here Chitty toiled; here Barnwell and Alderson joined in their famous labours; here Byles composed his great work upon bills, and Smith compiled his immortal leading cases; here Gustavus still toils with Solomon to aid him.' But the man of letters can't but love the place which has been inhabited by so many of his brothers, or peopled by their creations as real to us at this day as the authors whose children they were; and Sir Roger de Coverley, walking in the Temple Garden, and discoursing with Mr. Spectator about the beauties in hoops and patches who are sauntering over the grass is just as lively a figure to me as old Samuel Johnson rolling through the fog with the Scotch gentleman at his heels on their way to Dr. Goldsmith's chambers in Brick Court, or Harry Field-



FOUNTAIN COURT, TEMPLE.

ing, with inked ruffles and a wet towel round his head, dashing off articles at midnight for the Covent Garden Journal while the printer's boy is asleep in the passage."

It is very restful to leave the crowded Strand to stroll for a while through the various courts and quadrangles of the Temple, all rich in their interesting associations. It was in Fountain Court that Ruth Pinch, of *Martin Chuzzlewit*, was accustomed to meet her brother Tom, "with the best little laugh upon her face that ever played in opposition to the fountain and beat it all to nothing." The old fountain mentioned by Charles Dickens was removed many years ago, but its site is still pointed out to the visitor.

Of the host of eminent names, legal and otherwise, associated with the Temple, we have space here only to mention Raleigh, Pym, Ireton, Beaumont, Wycherley, Burke, Sheridan, Moore, and Cowper.

Charles Lamb was born in Crown Office Row, and Doctor Samuel Johnson had chambers in Inner Temple Lane, the modern Johnson's Buildings marking the site.

Even before the men of the law appeared within its hallowed precincts the Temple had a history well worth the telling. It was formerly a lodge of the Knights Templar, a religious and military order founded at Jerusalem, in the twelfth century, under Baldwin, King of Jerusalem. These soldier monks were called Templars from their original designa-

tion as "poor soldiers of the Temple of Solomon." Their life mission was to protect the Holy Sepulchre of our Saviour from the sacrilege of infidels, and to protect pilgrims resorting thither. After the abolition of the order, in 1312, Edward II. gave the property to Aymer de Valence, Earl of Pembroke, whose tomb may be seen in Westminster Abbey. On his death, the Knights of the rival order of St. John of Jerusalem—the Hospitallers—became possessed of the property, and soon afterwards it was leased to the barristers and students of the law, who have ever since, with characteristic tenacity, retained it.

The Temple property passed into the hands of the Crown on the dissolution of the religious houses in the reign of Henry VIII., but this did not disturb the possession of the lawyers. In 1609 it became as it is to-day, the free hereditary property of the law societies of Inner Temple and Middle Temple.

The Inner Temple is so called from its position within the precincts of the City; the Middle Temple derives its name from its situation between the Inner and Outer Temple. Outer Temple is to-day the name of a modern block of law offices and chambers directly opposite the Royal Courts of Justice.

The two Inns, Middle Temple and Inner Temple, possess in common the old church of the Knights Templars, consecrated as the Church of St. Mary, but better known to-day as the Temple Church.

There are two parts to the Temple Church, the

Round Church, built by the Templars in 1185, and the Early English Choir, which is an addition to the Round Church, being built about fifty or sixty years afterwards.

The chief features of the Round Church are the nine tombs of Crusaders, with recumbent figures in black marble in full armour, and the oft repeated heraldic emblems of the Temple, the "lamb with the flag" (the *Agnus Dei*), being the arms of Middle Temple Inn, and the "winged horse" (*Pegasus*), being the arms of Inner Temple Inn. A slit in the wall of the Round Church marks a small penitential cell where Knights who had broken their vows were imprisoned and starved to death. Through the slit, which took the place of a window, these unfortunates could hear in their dying moments the services of the church.

The services held to-day are conducted in the Early English Choir conformably to the rites and usages of the Church of England. The members of Middle Temple have their place on the left as one enters, on the side of the organ, which was presented to the Temple by Judge Jeffries, of unenviable fame; the members of Inner Temple sit on the right, or opposite side.

The centre of the Choir is reserved for invited guests. The pastor of the Temple Church is called the Master of the Temple, an office which has been filled by many eminent divines.

In the Churchyard of the Temple can be seen the grave and effigy of the author of the *Vicar of Wake-*

field, with the simple inscription, "Here lies Oliver Goldsmith."

It was in the beautiful Temple Gardens that, according to Shakespeare, were plucked the red and white roses which were assumed as the badges of the rival houses of Lancaster and York, in the bloody civil contest, known as the Wars of the Roses.

In Henry VI., Part I., act second, we read :—

PLANTAGENET.—Great lords and gentlemen, what means
this silence?

Dare no man answer in a case of truth?

SUFFOLK.—Within the Temple hall we are too loud;
The garden here is more convenient.

PLANTAGENET.—Since you are tongue-tied and so loath
to speak,

In dumb significance proclaim your thoughts;
Let him that is a true-born gentleman,
And stands upon the honor of his birth,
If he suppose that I have pleaded truth,
From off this brier pluck a white rose with me.

SOMERSET.—Let him that is no coward nor no flatterer,
But dare maintain the party of the truth,
Pluck a red rose from off this thorn with me.

WARWICK.—This brawl to-day,
Grown to this faction in the Temple Garden,
Shall send, between the red rose and the white,
A thousand souls to death and deadly night.

The Temple Gardens were once famous for their chrysanthemums, a brilliant show which was held every November.

The magnificent Hall of Middle Temple Inn, in which the Masters of the Bench, barristers and students dine, was erected in 1572, and has an artistic

open-work ceiling in old English oak. The walls are embellished with the armorial bearings of the Knights Templar, and five full-length portraits of princes, including an equestrian portrait of Charles I. The large windows contain the coats-of-arms of members of the Temple who have sat in the House of Lords. The richly carved oak screen is a beautiful example of British wood-carving. On the 2nd day of February, 1601, Shakespeare's play of *Twelfth Night* was acted in this Hall; and it has been solemnly averred by reputable historians that William Shakespeare himself played a part in the piece on that occasion. The Hall has often been the scene of costly entertainments, at which royal personages have been present. England's present King, His Majesty Edward VII., is a member of Middle Temple Inn of Court, so is the Hon. Joseph H. Choate, the distinguished American lawyer, who was a few years ago ambassador of the United States to Great Britain.

The present Hall of Inner Temple dates only from 1870, but it is a handsome structure adorned with statues of Knights Templars and Knights of St. John of Jerusalem.

Lincoln's Inn, the third of the Inns of Court in importance, is situated without the City, on a site once occupied by the mansion of the Earl of Lincoln and other houses. Prior to the erection of the present Royal Courts of Justice, the High Court of Chancery held its sittings here. Entering by the picturesque gateway from Lincoln's Inn Fields, we

see first the hall and library of red brick, built in 1845. Lord Erskine, Lord Mansfield, William Ewart Gladstone, Oliver Cromwell, William Pitt, and Benjamin Disraeli were all members of Lincoln's Inn of Court.

The adjoining Lincoln's Inn Fields is a public open space with grand old plane trees. The gardens were laid out by Inigo Jones, early in the seventeenth century, and were long a noted resort of duellists. Readers of Dickens' *Bleak House* will remember that No. 58, on the west side, was the house of Mrs. Tulkinghorn. Lord Tennyson lived at No. 55, Lord Brougham at No. 50, and Sir William Blackstone at No. 59.

Even to-day most of the houses in this locality are occupied by lawyers.

Gray's Inn, the fourth of the great Inns of Court, occupies an extensive area, from Holborn to Theobald's Road, and overlooking the pleasant gardens with fine plane trees planted by Sir Francis Bacon.

In the Elizabethan Hall Shakespeare's *Comedy of Errors* was acted in the year 1594.

The Archbishop's window in the chapel has figures representing St. Thomas à Becket, Whitgift, Juxon, Laud and Wake. The last four Archbishops were members of the "Ancient and Honourable Society of Gray's Inn of Court."

The Inn takes its name from the Grays of Wilton, who formerly owned the land upon which it is situated.

Among the distinguished members of Gray's Inn

are numbered Lord Chancellor, Sir Francis Bacon, Sir William Gascoigne, Thomas Cromwell, Lord Burleigh, and Sir Samuel Romilly.

The four Inns of Court are all equal in their authority and privileges. No one takes official precedence of the others. Their rules concerning the admission of students, the mode of keeping terms, the education and examination of students, and the calling of candidates to the Bar, are uniform and identical. An individual preference for one Inn over another can only be predicated upon sentiment, historical association, or social environment.

The members of an Inn of Court consist of benchers, barristers, and students. The benchers are the governing bodies of the Inns, and are composed of the senior members, designated more formally "Masters of the Bench." They are self-elected, and unrestricted as to the numbers; usually a member of an Inn, upon attaining the rank of king's counsel, is invited to the bench.

The duties of the benchers relate to the supervision and management of the concerns of the Inn, the admission of candidates as students, the calling of them to the Bar, and the exercise of discipline over the members.

The judges of the superior courts are the visitors of the Inns, and to them alone can an appeal be had when any of the societies refuse to call a member to the Bar, or to reinstate a barrister who has been disbarred for alleged unprofessional or other misconduct.

The benchers of each Inn appoint one of their number each year to be Treasurer of the Inn, and he, during his term of office, acts as the chief officer of the Society.

Each of the four Inns appoints from time to time five benchers, and these twenty benchers form the Council of Legal Education.

CHAPTER II.

THE TEMPLE CHURCH AND PRECINCT.

The Round Church of the Temple is the finest of the four round churches still existing in London. The Templars did not, however, always build round towers, resembling the Temple at Jerusalem, but such was largely their practice. The restoration of this beautiful relic was one of the first symptoms of the modern Gothic revival.

In the reign of Charles the Second, the body of the church was filled with pews which concealed the bases of the columns, while the walls were encumbered, to the height of eight feet from the ground, with oak wainscotting, which was carried entirely round the church, so as to hide the elegant marble piscina, the almeries over the high altar, and the sacrarium on the eastern side of the edifice.

In the year 1706 the church was wholly new whitewashed, gilded, and painted within, and the pillars of the tower wainscotted with a new battlement, and buttress on the south side, and other parts of the outside were repaired. Also the figures of the Knights Templars were cleaned and painted, and the iron work enclosing them was gilded with gold and painted. The east end of the church was repaired and beautified in 1707. In 1737

the exterior of the north side and east end were repaired.

The first real step towards the restoration of the Temple Church was made in 1825. It had been generally repaired in 1811, but in 1825 some report Smirke restored the whole south side and the lower part of the circular portion of the round church. The arcade was restored, and the wainscoting of the columns were taken away. There still remained, however, monuments in the Round Church materially affecting a relative proportion of the two circles; the clustered columns still retained the incrustations of a paint, plaster and whitewash; the three archway entrances into the oblong church remained in former state, detaching the two portions from each other and entirely destroying the perspective. When the general restoration was commenced in 1845, the removal of the beautifications and adornments which had so long disfigured the Temple Church, was regarded as an act of vandalism. Seats were substituted for pews, and a small pulpit and reading desk supplied, more appropriate to the character of the building. The pavement was lowered to its original level, and thus the bases of the columns became once more visible. The altar screen and railings were taken down, and six of the arches from the round church to the oblong church were thrown open. By this alteration the character of the church was shown in its original beauty.

In the summer of 1840 the two societies of the

Inner and Middle Temple had the whitewash scraped off the marble columns and ceiling. The removal of the modern oak wainscotting led to the discovery of a very beautiful double marble piscina near the east end of the south side of the building, together with an adjoining elegantly shaped recess, also a picturesque Gothic niche on the north side of the Church.

On taking up the modern floor remains of the original tessellated pavement were discovered. When the whitewash and plaster were removed from the ceiling it was found to be in a dangerous condition.

There were also found remains of ancient decorative paintings and rich ornaments worked in gold and silver, but they were too fragmentary to give any idea of the original pattern. Under these circumstances it was resolved to redecorate the ceiling in a style corresponding with ancient decorative paintings observable in many Gothic churches in Italy and France. As the plaster and whitewash were removed it was found that the columns were of the most beautiful Purbeck marble. The six elegant clustered columns in the round tower had been concealed with a thick coating of Roman cement which had altogether concealed the graceful form of the mouldings of the carved foliage of their capitals. Barbarous slabs of Portland stone had been cased round their bases and entirely altered their character.

All this modern patchwork was thrown away, but

the venerable marble proved so mutilated that new columns were found necessary to support the tabin.

Those elegant clustered columns already alluded to, however, needed but slight repair. Almost all the other marble work required removal, and a special messenger was sent to Purbeck to open the ancient quarries.

Above the western doorway was discovered a beautiful Norman window, composed of Caen stone.

The porch before the western doorway of the Temple Church, which formerly communicated with an ancient cloister, leading to the Hall of the Knights Templars, had been filled up with rubbish to the height of nearly two feet above the level of the ancient pavement, so that the bases of the magnificent Roman was entirely hidden from view.

Previous to the recent restoration the round tower was surmounted by a wooden flat whitewashed ceiling, altogether different from the ancient roof. This ceiling and the temple roof above it had been entirely removed, and replaced by the present elegant and substantial roof. It is composed of oak, protected externally by sheet copper, and has been painted by Mr. Williment in accordance with the existing example of decorative painting in an ancient church in Sicily. Many buildings were also removed to give a finer view of the fine old church.

In the ancient church of the Knights Templars is a penitential cell, a dreary place of solitary confinement formed within the thick wall of the building, only 4 feet 6 inches long and 2 feet 6 inches

wide, so narrow and small that a grown person could not lie down within it. In this narrow prison the disobedient brethren of the ancient Templars were temporarily confined in chains and fetters "in order that their souls might be saved from the eternal prison of hell." The hinge and the catch of this dreary doorway still remain, and at the bottom of the staircase is a stone recess or cupboard where bread and water were placed for the prisoner. In this cell Brother Walter le Bachelor, Knight and Grand Preceptor of Ireland, is said to have been starved to death when disobedient to his superior, the Master of the Temple. His body was removed at daybreak and buried by Brother John de Stoke and Brother Randolph de Barton, between the church and the hall.

The Temple discipline in the early times was very severe; disobedient brothers were scourged by the Master himself, in the Temple Church, and frequently whipped publicly on Fridays in the Church. Adam de Valaincourt, a deserter, was sentenced to eat meat with the dogs for a whole year, to fast four days in the week, and every Monday to present himself at the High Altar to be publicly scourged by the officiating priest.

At the time of the restoration of the church stained glass windows were added, and the panels of the circular vaulting were emblazoned with the lamb and horse devices of the Inner and Middle Temples, and the Beauseant, or black and white banner of the Templars.

The mail-clad effigies on the pavement of the round of the Temple Church are not monuments of Knights Templar, but of associates of the Temple, only partially admitted to the privileges of the powerful order.

During the last repairs there were found two Norman stone coffins and four ornamented leaden coffins in small vaults beneath these effigies, but not in their original positions.

Stow, in 1598, speaks of eight images of armed knights in the round walk. The effigies have been restored by Mr. Richardson, the sculptor. The most interesting of these represents Geoffrey de Magnaville, Earl of Essex, a bold baron, who fought against King Stephen, sacked Cambridge and plundered Ramsey Abbey. He was excommunicated, and while besieging Burwell Castle was struck by an arrow from a cross-bow just as he had taken off his helmet to get air. The Templars, not daring to bury him, soldered him up in lead, and hung him on a crooked tree in their river side orchard. The corpse being at last absolved, the Templars buried it before the west door of their church. He is to be known by a long pointed shield charged with rays on a diamonded field.

The next figure of Purbeck marble in low relief is supposed to be the most ancient of all. The shield is kite shaped, the armour composed of rude rings—name unknown. Vestiges of gilding were discovered upon this monument. The two effigies on the north-east of the Round are also

anonymous. They are the tallest of all the stone brethren, one of them is straight legged; the legs of his comrades denote a crusading vow. The feet of the first rest on two grotesque human heads, probably Infidels; the second wears a mouth guard like a respirator. Between the two figures is a cope-stone lid of an ancient sarcophagus, probably that of a Master or a Visitor General of the Templars, as it has the head of the cross which decorates it adorned with a lion's head, and the foot rests on the head of a lamb, the joint emblems of the Order of the Templars. During the excavations in the Round a magnificent Purbeck marble sarcophagus, the lid decorated with a fiolated cross, was dug up and re-interred.

On the south side of the Round Church, between two columns, his feet resting upon a lion, reposes a great historical personage, William Marshall, the Protector of England during the minority of King Henry the Third, a warrior and a statesman whose name is sullied by no crimes. The features are handsome and the whole body is wrapped in chain mail. A Crusader in early life, the earl became one of Coeur de Lion's vice-regents during his absence in Palestine. He fought in Normany for King John, helped in the capture of Prince Arthur and his sister, urged the usurper to sign the Magna Charta, and secured the throne for Prince Henry. Finally, he defeated the French invaders, routed the French at sea, and died, in the fulness of years, a warrior whose deeds had been notable, a statesman

whose motives could seldom be impugned. Shakespeare, with ever a keen eye for great men, makes the earl an intercessor for Prince Arthur. He was a great benefactor of the brethren of the Temple.

By the side of the earl reposes his warlike son, cut in freestone. He was one of the chief leaders of the barons against John, and in Henry's reign he overthrew Prince Llewellyn and slew 8,000 wild Welsh. He fought with credit in Brittany and Ireland, and eventually married Eleanor, the King's sister. He gave an estate to the Templars. The effigy is clad in a shirt of ring mail, above which is a loose garment girded at the waist. The shield on the left arm bears a lion rampant.

Near the western doorway reclines the mailed effigy of Gilbert Marshall, Earl of Pembroke, third son of the Protector. He is in the act of drawing a sword, and his left foot rests on a winged dragon. This earl, at the murder of a brother in Ireland, succeeded to the title and married Margaret, a daughter of the King of Scotland. He was just starting for the Crusades when he was killed by a fall from his horse in a tournament held at Ware (1241).

Like the other Marshall he was a benefactor of the Temple, and like all the four sons of the Protector, died without issue in the reign of Henry the Third, the family becoming extinct with him.

Matthew Paris declared that the race had been cursed by the Bishop of Fernes, from whom the Protector had stolen lands. The Bishop, says the

chronicler, "with great awe came with King Henry to the Temple Church, and standing at the earl's tomb, promised the dead man's absolution if the lands were returned." No restitution was made, so the curse fell on the doomed race. All the Pembrokes wear chain hoods and have animals recumbent at their feet.

The name of a splendid recumbent mailed figure, next to Gilbert Marshall, is unknown, and near him, on the south side of the Round, rests the ever praying effigy of Robert Lord de Roos. This lord was no Templar, for he wears no beard and has flowing hair, contrary to the rules of the Order. His shield bears three water buckets. The figure is cut out of yellow Roach Abbey stone. The armour is linked; this Knight was fined £800, by Richard Coeur de Lion, for allowing a French prisoner of consequence to escape from his custody. He married a daughter of a king of Scotland, was Sheriff of Cumberland, helped to extort Magna Charta from King John, and gave much public property to the Templars.

During the repair of the Round tower several sarcophagi of Purbeck marble were discovered. On the coffins being removed, on the tower being propped, the bodies all crumbled to dust. The sarcophagi were all interred in the centre of the Round.

During the repairs of 1850 the workmen discovered, and stole, an ancient seal of the Order, it had the name of Berengarius, and on one side was

represented the Holy Sepulchre. "The churchyard abounds," says Mr. Addison, "with ancient stone coffins."

According to Burton, an antiquary of Elizabeth's time, there then existed in the Temple Church a monument to a Visitor General of the Order.

Among other distinguished persons buried in the Temple Church, for so many ages a place of special sanctity, was William Plantagenet, fifth son of Henry the Third. King Henry himself had at one time resolved to be buried "with the brethren of the Chivalry of the Temple, expecting and hoping that through our Lord and Saviour it will greatly contribute to the salvation of our soul." Queen Eleanor also provided for her interment in the Temple, but it was otherwise decreed.

In the triforium of the Temple Church have been packed away like lumber, the greater part of the clumsy monuments that once disfigured the walls and columns below. In this strange museum lord chancellors of state, learned benchers, barons of the exchequer, masters of the rolls, treasurers, readers, prothonotaries, poets, and authors, jostle each other in dusty confusion.

At the entrance, under a canopy, is the recumbent figure of a lawyer of Elizabeth's time, Edmund Plowden. This grave and wise man, being a staunch Catholic, was slighted by the Protestant Queen. It is said that he was so studious in his youth, that at one time he never went out of the Temple precincts for three whole years. He was

Treasurer of the Middle Temple the year the hall was built.

Seldon, that great writer on international law whose "mare clausum" was a reply to the "mare clausum" of Grotius, is buried to the left of the altar, the spot being marked by a monument of white marble. "His grave," says Aubrey, "was about ten feete deepe or deeper, walled up a good way with bricks, of which also the bottome was paved, but the sides of the bottome for about two feet high were of black polished marble, wherein his coffin (covered with black bayes) lyeth, and upon that wall of marble was presently lett downe a huge black marble stone of great thicknesse with this inscription, 'Hic jacet corpus Johannis Seldeni, qui obiit 30 die Novembris 1654.' Over this was turned an arch of brick (for the house would not loose their ground) and upon this was throwne the earth."

There is a monument in the triforum to Edmund Gibbon, a herald and an ancestor of the historian. The great writer, alluding to this monument, says, "My family arms are the same which were borne by the Gibbons of Kent in an age when the College of Heralds religiously guarded the distinctions of blood and name, a lion rampant gardant between three schollop shells argent, on a field azure. I should not have been tempted, however, to blazon my coat of arms were it not connected with a whimsical anecdote. About the reign of James the First, the three harmless schollop shells were changed by Edmund Gibbon, Esq., into three

ogresses, or female cannibals, with the design of stigmatizing three ladies, his kinswomen, who had provoked him by an unjust lawsuit. But this singular mode of revenge, for which he obtained the sanction of Sir William Seager, King-at-Arms, soon expired with its author; and on his own monument in the Temple Church, the monsters vanished, and the three schollop shells resumed their proper and hereditary place."

At the latter end of Charles the Second's reign the organ in the Temple Church became the subject of a singular contest, which was decided by a most remarkable judge. The benchers had determined to have the best organ in London; the competitors for this were Smith and Harris. Father Smith, a German, was renowned for his care in choosing his wood without knot or flaw, and for throwing aside every metal or wood pipe that was not sound. His stops were also allowed by all to be singularly equal and sweet in tone. The two competitors were each to erect an organ in the Temple Church, and the best one was to be retained. The competition was carried on with such sad violence that some of the partisans almost ruined themselves by the money they expended. The night preceding the trial, the too zealous friends of Harris cut the bellows of Smith's organ, and rendered it for the time useless. Doctors Blow and Purcell were employed to show the power of Smith's instrument, and the French organist of Queen Catherine performed on Harris's. The contest continued with varying suc-

cess for nearly twelve months. At length Harris challenged his redoubtable rival to make certain additional reed stops, within a given time. The controversy was at last determined by Lord Chief Justice Jefferies, who was himself an accomplished musician, deciding in favour of Father Smith. Part of Harris's rejected organ was erected at St. Andrew's, Holborn, part at Christ Church Cathedral, Dublin. Father Smith, in consequence of his success at the Temple, was employed to build an organ for St. Paul's, but Sir Christopher Wren would never allow the case to be made large enough to receive all the stops. "The sound and general mechanism of modern instruments," says Mr. Burke, "are certainly superior to those of Father Smith's, but for sweetness I have never met in any part of England with pipes that have equalled his."

In the reign of James the First there was a great dispute between the custos of the Temple and the two societies. Their sinecure office, the gift of the Crown, was a rectory, without tithes, and the custos was dependent upon voluntary contribution. The Templars, irritated at Dr. Miclethwaite's arrogant pretensions, shut the Doctor out from their dinners. In the reign of Charles the First, the Doctor complained to the King that he received no tithes, was refused precedence as Master of the Temple, was allowed no share in the deliberations, was not paid for his supernumary sermons, and was denied ecclesiastical jurisdiction. The Doctor thereupon locked up the church and took away the

keys, but Noy, the Attorney-General, snubbed him and called him "elatus et surperbus," and he got nothing after all, but hard words, for his petition.

The learned and judicious Hooker, author of "The Ecclesiastic Policy," was for six years Master of the Temple, "a place," said Izaak Walton, "which he accepted rather than desired." Travers, a disciple of Cartwright, the Nonconformist, was the lecturer; so Hooker, it was said, preached Canterbury in the forenoon, and Travers Geneva on the afternoon. The benchers were divided, and Travers, at last silenced by the Archbishop, Hooker resigned, and in his quiet parsonage at Boscombe renewed the contest in print, in his "Ecclesiastical Policy."

When Bishop Sherlock was Master of the Temple the sees of Canterbury, and London, were vacant about the same time (1748); this occasioned an epigram upon Sherlock :—

At the Temple one day Sherlock was taking a boat ;
The waterman asked him " Which way will you float ? "
" Which way ? " said the Doctor, " Why, fool, with
the stream."

To St. Paul's or to Lambeth was all one to him.

The tide, in favour of Sherlock, was running to St. Paul's, he was made Bishop of London.

During the repairs of 1827 the ancient freestone chapel of St. Anne, which stood on the south side of the Round, was ruthlessly removed. We had less reverence for antiquity then. The upper story communicated with the Temple Church by a staircase

opening on the west end of the south aisle of the choir; the lower joined the Round by a doorway under one of the arches of the circular arcade. The chapel anciently opened upon one of the cloisters and formed a private way from the convent to the church. Here the Papal Legate and the highest Bishops frequently held conference, and on Sunday mornings the Masters of the Temple held chapters, enjoined penances, made up quarrels, and enjoined absolution. The chapel of St. Anne was in the olden time much resorted to by barren women, praying for children. In Charles Second's time, according to *Hudibras*, straw bail and low rascals of that sort lingered about the Round waiting for hire. Butler says :—

“ Retain all sorts of witnesses
That ply in the temple under trees
Or walk the Round with knights o' th' Posts
About the crossed legged knights their hosts;
Or wait for customers between
The pillar rows in Lincoln's Inn.”

In James the First's time the Round, as we find in Ben Jonson, was a place for appointments, and in 1681 Otway describes bullies of Asatia with flapping hats, pinned up on one side, sandy, weather beaten periwigs, and clumsy iron swords clattering at their heels, as conspicuous persons among the Knights of the posts and other peripatetic philosophers of the Temple walks.

We must now turn to the history of the whole precinct. When the proud Order was abolished

by the Pope, Edward the Second granted the Temple to Aymer de Valence, Earl of Pembroke, who, however, soon surrendered it to the King's cousin, the Earl of Lancaster, who let it, at their special request, to the students and professors of the common law; the colony then gradually becoming an organized and collegiate body, Edward the First having authorized laymen for the first time to read and plead causes.

Hugh de Despenser for a time held the Temple, and on his execution Edward the Third appointed the Mayor of London its guardian. The Mayor closing the watergate caused much vexation to the lawyers rowing by boat to Westminster, and the King had to interfere. In 1333 the King farmed out the Temple rents at £25 a year. In the meantime the Knights Hospitallers, affecting to be offended at the desecration of holy ground—the Bishop of Ely's lodgings, a chapel dedicated to Thomas à Becket, and the door to the Temple Hall—claimed the forfeited spot. The King granted their request, the annual revenue of the Temple then being £73 6s. 11d., equal to about £1,000 of our present money. In 1340, in consideration of £100 towards the expedition to France, the warlike King made over the residue of the Temple to the Hospitallers, who instantly endowed the church and one thousand fagots a year from Littleton Wood, to keep up the church fires.

In this reign, Chaucer, who is supposed to have been a student of the Middle Temple, and who is

said to have once beaten an insolent Franciscan Friar in Fleet Street, gives an eulogistic sketch of a Temple maniple of purveyor of provisions in the prologue to his wonderful "*Canterbury Tales*":—

A gentil maniple was ther of the Temple,
Of whom achatours mighten take ensample,
For to be wise of bying of vitaille
For, whether that he paid or toke by taille,
Aldgate he waited so in his achate
That he was aye before in his estate.
Now it was not that of God, a full fayre grace
That, swiche a lewed mannes wit shall face,
The wisdom of a hepe of leane d men.

Many of the old retainers became the servants of the new lawyers who had ousted their masters.

The attendants at the table were still called *paniers*, as they had formerly been. The dining in pairs, the expulsion from the Hall for misconduct and the locking of chambers were old customs also kept up. The judges of the Common Pleas still retained the title of Knights, and the *Fratres Servientes* of the Templars arose again in the character of learned serjeants at law, the coif of the modern serjeant being the linen coif of the old *Freres* of the Temple. The coif was never, as some suppose, intended to hide the tonsure of the priests practising law, contrary to ecclesiastic prohibition. The old ceremony of creating serjeants at law exactly resembles that used for receiving *Fratres Servientes* into the fraternity of the Temple.

In Wat Tyler's rebellion the wild men of Kent

poured down on the dens of the Temple lawyers, pulled down their houses, carried off their books, deeds, and rolls of remembrance, and burnt them in Fleet Street, to spite the Hospitallers. Walsingham, the chronicler, indeed, says that the rebels who, by the by, claimed only their rights, had resolved to decapitate all the lawyers in London, to put an end to all the laws that oppressed them, and to clear the ground for better times. In the reign of Henry the Sixth the overgrown society of the Temple, divided into two halls of the Knights, and the *Fratres Servientes* separated into two societies. Brooke, the Elizabethan antiquary, says, to this day, in memory of the old custom, the benchers of ancients of one society dine every year in the hall of the other society.

Sir John Fortescue, Chief Justice of the King's Bench in the reign of Henry the Sixth, computed the annual expenses of each law student at more than £28 (£450 of our present money). The students were all gentlemen by birth, and at each Inn of Court there was an academy where singing, music, and dancing were taught. On festival days, after the offices of the church, the students employed themselves in the study of history and in reading the Scriptures. Any student expelled from one society was refused admission to any of the other societies. A manuscript in the Cotton Library dwells much on the readings, mootings, boltings, and other practices of the Temple students, and analyses the various classes of benchers, readers,

cupboard men, inner barristers, outer barristers, and students. The writer also mentions the fact that in term times the students met to talk law and confer on business in the church, which was, he said, as noisy as St. Paul's. The society of the Inner Temple was very active during the reign of Henry the Third in the erection of new buildings. Several houses, for chambers, were constructed near the library and were called Pakington Rents, from the name of the treasurer who superintended them. Henry Bradshaw, treasurer in the twenty-sixth year, gave his name to another set then built, which it kept, till Chief Baron Tanfield resided there in the reign of James the First, since which has been called Tanfield Court. Other improvements were made about the same period, these being the construction of a new ceiling to the hall and the erection of a wall between the garden and the Thames.

The books of the Middle Temple do not commence till the reign of King Henry the Seventh, the first treasurer named in them being John Brooke, in the sixteenth year of Henry the Seventh (500-1). Readers were not appointed till the following year, the first being John Vavasour—probably son of the judge, and not, as Dugdale calls him, the judge himself, who had been on the bench for twelve years.

In Elizabethan days, Master Gerard Leigh, a pedantic scholar of the College of Heralds, persuaded the misguided Inner Temple to abandon the old Templar Arms—a plain red cross on a shield

argent with a lamb bearing the banner of a sinless profession, surmounted by a red cross.

The heraldic euphuist substituted for this a flying Pegasus striking out the fountain of Hippocrene with its hoofs, with the appended motto of "*Volat ad astra virtus*," a recondite allusion to men like Chaucer and Gower, who, it is said, had turned from lawyers to poets.

In the glorious reign of Elizabeth the old Middle Temple Hall was converted into chambers and a new hall built. The present roof is the best piece of Elizabethan architecture in London.

The screen in the Renaissance was long supposed to be an exact copy of old Somerset House in the Strand, but this is a vulgar error, nor could it have been made of timber from the Spanish Armada, for the simple reason that it was set up three years before the Armada was organized. The exterior was cased in stone in wretched taste, in 1757. The diary of an Elizabethan barrister, named Manningham, preserved in the Harleian Miscellanies, has preserved the interesting fact that in this hall, on February, 1602—probably, says Mr. Collier, six months after its first appearance at the "*Globe*"—Shakespeare's "*Twelfth Night*" was acted, February 2nd, 1601-2. At our feast day, says Manningham, we had a play called "*Twelfth Night*" or "*What You Will*," much like the "*Comedy of Errors*," or Menechini in Plautus, but most like and near to that in Italian called *Inganni*. A good practice in it is to make the steward believe his lady widow

was in love with him, by counterfeiting a letter, as from his lady, in general terms, telling him what she liked best in him and prescribing his gestures and inscribing his gestures, inscribing his apparile, etc.; and then when he came to practise making him believe that they took him to be mad.

The Temple revels were in olden time indeed gorgeous outbursts of mirth and hospitality. One of the most splendid of these took place in the fourth year of Elizabeth's reign, when the Queen's favourite, Lord Robert Dudley, was elected constable or marshal of the Inn, to preside over the Christmas festivities. He had Lord Chancellor and judges, eighty guards, officers of the household and other distinguished persons to attend to him; and another of the Queen's subsequent favourites, Christopher Hatton, a handsome youth, remarkable for his skill in dancing, was appointed Master of the Games. The daily banquets of the Constable were announced by the discharge of a double cannon, and drums and fifes summoned the mock court to the hall, while sackbutts, cornets, and recorder heralded the arrival of every course. At the first remove the Herald of the High Table cried, "The mighty Palaphilos, Prince of Sophie, High Constable Marshal of the Knights Templars, Patron of the honourable Order of Pegasus—A largesse! a largesse!" upon which the Prince of Sophie tossed the man a gold chain worth a thousand talents. The supper ended, the King-at-Arms entered, and doing homage, announced twenty-four special

gentlemen, whom Pallas had ordered him to present to Palophilos as Knights elect of the Order of Pegasus. The twenty-four gentlemen at once appeared in long white vestures with scarves of Pallas's colours, and the King-at-Arms, bowing to each other, explained to them the laws of the new Order.

On Christmas Day the feast grew still more feudal and splendid. At the great meal at noon the minstrels and a long train of servitors bore in a blanched boor's head, with a golden lemon in its jaws, the trumpeters being preceded by two gentlemen in gowns bearing four torches of white wax. On St. Stephen's day the younger Templars wait at table upon the benchers. At the first course the Constable entered to the sound of horns, preceded by sixteen swaggering trumpeters, while the halberdiers bore "the tower" on their shoulders and marched three times gravely round the fire.

On Christmas Day, New Year's Day, and Twelfth Night, the same costly feasts were continued, only that on Thursday there was roast beef and venison pasty for dinner, and mutton and roast hens were served for supper. The final banquet closing, all was preceded by a dance, revel, play, or masque, the gentlemen of every Inn of Court being invited, and the hall furnished with side scaffold for the ladies, who were feasted in the library.

The Lord Chancellor and the ancients feasted in the hall, the Templars serving. The feast over, the Constable in his gilt armour ambled into the hall,

on a caparisoned mule, and arranged the sequence of sports. The Constable then, with three reverences, knelt before the King of the "Revels," and delivering up his naked sword prayed to be taken into the Royal service. Next entered Hatton, the Master of the games, arrayed in green velvet, his rangers clad in green satin. Blowing a blast three times on their horns and holding green coloured bows and arrows in their hands, the rangers paced three times round the central fire, then knelt to the King of the "Revels" and desired admission into the Royal service.

Next ensued a strange and barbarous ceremony. A huntsman entered with a live fox and cat and nine or ten couples of hounds, and to the blast of horns and wild shouting the poor creatures were torn to shreds for the amusement of the applauding Templars. At supper the Constable entered to the sound of drums, borne upon a scaffold by four men, and as he was carried three times round the hearth everyone should, "A Lord!" He then descended, called together his mock court by such fantastic names as:—

Sir Francis Flatterer, of Fowlerhurst Hall, in the county of Buckingham.

Sir Randal Rakebite, of Rascal Hall, in the county of Rakebite.

Sir Morgan Mumchance, of Mock Monkey, in the county of Mad Mopery.

And the banquet then began, each man having a gilt pot full of wine, and each one paying sixpence

for his repast. That night, when the lights were out, the noisy laughing train passed out of the portals and the revels ended.

Sir Edward Coke, says Lord Cambell, writing of this period, "first evinced his powers when deputed by the students to make a representation to the benchers of the Inner Temple, respecting the bad quality of their commons in the hall. After laboriously studying the law and the facts of the case, he clearly proved that the cook had broken his engagement and was liable to dismissal. This, according to the phraseology of the day, was called "the cook's case," and he is said to have argued it with so much quickness of penetration and solidity of judgment, that he gave entire satisfaction to the students and was much admired by the bench.

Sir John Davies, the author of *Nosci Teipsum*, that fine mystic poem on the immortality of the soul, and that strange philosophical rhapsody on dancing, was expelled from the Temple in Elizabeth's time for thrashing a friend, another roysterer of the day, Mr. Richard Martin, in the Middle Temple Hall, but afterwards he was re-admitted. Davies afterwards reformed, and became the wise Attorney-General of Ireland. His biographer says that the preface to his Irish reports vies with Coke for solidity, and Blackstone for elegance. Martin (whose monument is now hoarded up in the triforium) also became a learned lawyer and a friend of Seldon's, and was the person to whom Ben Jonson dedicated his bitter play "The Poetaster." In

the dedication the poet says, "For whose innocence as for the author's you were once a noble and kindly undertaker, signed your true lover BEN JONSON."

At the accession of James the First some of his hungry Scotch courtiers attempted to obtain from the King the grant of the Temple, upon which the indignant societies made humble suit to the King and obtained a grant of the property to themselves. The grant was signed in 1609, the benchers paying £10 annually to the King for the Inner Temple and £10 for the Middle. In gratitude for this concession the two loyal societies presented the King with a stately cup weighing $200\frac{1}{2}$ ozs., which James most graciously accepted. On one side was engraved a Temple, on the other a flaming altar with the words "Nil nisi vobis," pyramidical cover stood a Roman soldier leaning on his shield. This cup the bibulous monarch ever afterwards esteemed as one of his rarest and richest jewels. In 1623 James issued another of those absurd and trumpery sumptuary edicts, recommending the ancient way of wearing caps and requesting the Templars to lay aside their unseemly boots and spurs, badges of "Roarers, Rakes, and Bullies." The Temple feasts continued to be as lavish and as magnificent as in the days of Queen Mary, when no reader was allowed to contribute less than fifteen butts to the hall dinner, and many during their readings gave four score or a hundred.

On the marriage (1613) of the Lady Elizabeth, daughter of King James I., with Prince Frederick,

the unfortunate Elector Palatine, the Temple and Gray's men gave a masque, of which Sir Francis Bacon was the chief contriver. The masque came to Whitehall by water from Winchester Place, in Southwark, three peals of ordnance greeting them as they embarked with torches and lamps, as they passed the Temple gardens, and as they landed. This short trip cost £300. The King, after all, was so tired, and the hill so crowded, that the masque was adjourned till the following Saturday, when all went well. The next night the King gave a supper to the forty maskers; Prince Charles and his courtiers, who had lost a wager to the King at running in the ring, paying for the banquet, £30 a man. The maskers, who had dined with forty of the chief nobles, kissed his Majesty's hand.

Shortly after this twenty Templars fought at Barrier in honour of Prince Charles.

One of the grandest masques ever given by the Temple was one which cost £1,000, and was presented in 1633 to Charles I. and his French Queen. Bulstrode Whitelock, then in his youth, gives a vivid picture of this pageant, which was meant to refute Prynne's angry *Histro-Mastrix*. Moy and Seldon were members of the committee, and many grave heads met together to discuss the dances, dresses and music. The music was written by Milton's friend, Lawes, the libretto from Shirley. The procession set out from Ely House in Holborn, on Candlemas Day, in the evening. The four chariots that bore the sixteen maskers were preceded by

twenty footmen in silver laced scarlet livery, who carried torches and cleared the way. After this rode one hundred gentlemen from the Inns of Court, mounted, and richly clad, every gentleman having two lackies with torches and a page to carry his cloak. Then followed the other maskers, beggars on horseback, and boys dressed as birds. The colours of the first chariot were crimson and silver, the four horses being plumed and trapped in multi-coloured tissue. The Middle Temple drove next in blue and silver and the Inner Temple and Lincoln's Inn followed in equal bravery, one hundred of the suits being reckoned to have cost £10,000. The masque was most perfectly performed in the banqueting hall at Whitehall, the Queen dancing with several of the maskers, and declaring them to be as good dancers as ever she saw.

The year after the restoration, Sir Heneage Finch, afterwards Earl of Nottingham, kept his readers' feast in the great Hall of the Middle Temple. At that time of universal vice, luxury, and extravagance, the banquet lasted from the 4th to the 17th of August. It was, in fact, open house to all London. The first day came the nobles and privy councillors; the second the mayor and aldermen; the third the whole of the College of Physicians in their mortuary caps and gowns; the fourth the doctors and advocates of the civil law; on the fifth day the archbishop and obsequious clergy, and on the 15th was a last grand explosion, the King, the Duke of York, the Duke of Buckingham,

and half the peers. An entrance was made from the river through the walls of the Temple Garden, the King being received on landing by the Reader and the Lord Chief Justice of the Common Pleas, the path from the garden to the wall was lined with the Reader's servants, clad in scarlet cloaks and white doublets, while above them stood the benchers, barristers, and students, music playing all the while, and twenty violins welcoming Charles into the hall with unanimous scrape and quiver. Dinner was served by fifty young students in their gowns, no meaner servants appearing.

The great fire of 1666, says Mr. Jeaffreson, in his "Law and Lawyers," was stayed in its western course at the Temple, but it was not suppressed until the flame had consumed many sets of chambers, had devoured the title deeds of a vast number of valuable estates, and had almost licked the windows of the Temple Church.

Clarendon had recorded that on the event of this stupendous calamity, which occurred when a large proportion of the Templars were out of town, the lawyers in residence declined to break open the chambers and rescue the property of absent members of their society for fear of prosecution for burglary. Another great fire, some years later (January, 1678-79), destroyed the old cloisters and part of the old hall of the Temple, and the greater part of the residential buildings of the Old Temple.

Breaking out at midnight, and lasting till noon of the next day, it devoured in the Middle Temple the

whole of Pump Court (in which locality it originated), Elm Tree Court, and Vine Court, and part of Brick Court; in the Inner Temple the cloister, the greater part of Hare Court, and part of the Hall. The night was bitterly cold, and the Templars, aroused from their beds to preserve life and property, could not get an adequate supply of water from the Thames, which the unusual severity of the weather had frozen. In this difficulty they actually brought barrels of ale from the Temple butteries and fed the engines with the malt liquor. Of course this supply of fluid was soon exhausted, so the fire spreading eastward the lawyers fought it by blowing up the buildings that were in immediate danger. Gunpowder was more effectual than beer; but the explosions were sadly destructive to human life. Among the buildings thus demolished was the library of the Inner Temple. Naturally, but with no apparent good reason, the sufferers by the fire attributed it to treachery on the part of persons unknown, just as the citizens attributed the fire of 1666 to the Papists. It is more probable that the fire was caused by such accident as that which during John Campbell's Attorney-Generalship, destroyed a large amount of valuable property, and had its origin in the clumsiness of a barrister who upset upon his fire a vessel full of spirit. Of this fire Lord Campbell observes, "When I was Attorney-General my chambers in Pear Buildings, Temple, were burnt to the ground in the night time, and all my books, manuscripts, with some

valuable official papers, were consumed. Above all, I had to lament a bundle of letters left to me by my dear father, from the time of my going to college till his death in 1824." All lamented this calamity except the claimant of a peerage, some of whose documents (suspected to be forged), he hoped, were destroyed; but, fortunately, they had been removed into safe custody a few days before, and the claim was dropped. The fire here alluded to broke out in the Chambers of Thornbury, in Pump Court. "I remember," says North, in his life of Lord Keeper Guildford, "that after the fire at the Temple it was considered whether the old cloister walks should be rebuilt, or, rather, improved, which latter had been for the benefit of the Middle Temple, but, in regard, it could not be done without the consent of the Middle Houses. The Masters of the Middle Houses waited upon the then Mr. Attorney Finch, to desire the concurrence of the society upon a proposition of some benefit to be thrown in on his side. But Mr. Attorney would by no means give way to it, and reproved the Middle Templars very bitterly and eloquently upon the subject of students walking in the evenings there and putting cases, which," he said, "was done in his time mean and low as the buildings were then. However, it comes," he said, "that such benefit to students is now made little account of." And thereupon, by the order of Sir Christopher Wren, the cloisters were built as they now stand.

The last revel in any of the Inns of Court was

held in the Inner Temple, February, 1733, George the Second, in honour of Mr. Talbot, a bencher of the house, accepting the Grand Seal. The ceremony is described by an eyewitness in "*Wynnes Cunomus*." The Lord Chancellor arrived at two o'clock, preceded by Mr. Wollantan, Master of the Revels, and followed by Dr. Sherlock, Bishop of Baginbun, Master of the Temple. There was an elegant dinner provided for them and the Chancellor's officers, but the barristers and students had only the usual meal of Grand Days, except that each man was furnished with a flask of claret besides the usual allowance of port. Fourteen students waited upon the bench table, among them was Mr. Talbot, the Lord Chancellor's eldest son, and by their means any special dish was easily obtainable from the upper table. A large gallery was built over the gallery for the ladies, and music played in the little gallery at the upper end of the hall; played all dinner time. As soon as dinner was over the play of "*Love for Love*," and the farce of "*The Devil to Pay*," were acted, the actors coming from the Haymarket in chaises all ready dressed. It is said that they refused all gratuity, being satisfied with the honour of performing before such an audience. After the play, the Lord Chancellor, the Master of the Temple, the judges and benchers retired into their parliament chamber, and in about half an hour afterwards came into the hall again, and a large ring was formed round the fireplace (but no fire nor embers were in it), then the Master of the Revels, who went first,

took the Lord Chancellor by the right hand, and with his left hand Mr. Justice Page, who joined to the other judges, serjeants, and benchers present, danced, or, rather, walked, round about the coal fire, according to the old ceremony, three times, during which they were aided in the figure of a dance by Mr. George Cooke, the prothonotary, then upwards of sixty, and all the time of the dance the ancient song, accompanied with music, was sung by one Tony Ashton, an actor, dressed in a Bar gown, whose father had been Master of the Plea Office in the King's Bench. When this was over the ladies came down from the gallery, went into the parliament chamber and stayed about a quarter of an hour while the hall was being put in order. They then went into the Hall and danced a few minutes. Country dances began about ten, and at twelve a very fine collation was provided for the whole company, from which they returned to dancing. The Prince of Wales honoured the performance with his company part of the time. He came into the music gallery wing about the middle of the play, and went away as soon as the farce of walking round the coal fire was over.

The Inner Temple Hall (the refectory of the ancient Knights) was almost entirely rebuilt in 1816. The roof was over loaded with timber, the west wall was cracking, and the wooden cupula of the bell let in the rain. The pointed arches and rude sculpture at the doors showed great antiquity, but the northern wall had been rebuilt in 1680.

The incongruous Doric screen was surmounted by lions' heads, cones, and other analogous devices, and in 1741 low classic windows had been inserted in the south front. Of the old hall, where the Templars frequently held their chapters, and at different times entertained King John, King Henry the Third, and several of the legates, several portions still remain. A very ancient groined Gothic arch forms the roof of the present buttery, and in the apartment beyond there is a fine groined and vaulted ceiling. In the cellars below are old walls of vast thickness, part of an ancient window, a curious fireplace, and some pointed arches, all now choked with modern brick partitions and dusty staircases. These vaults formerly communicated by a cloister with the Chapel of St. Anne, on the south side of the church. In the reign of James I. some brick chambers, three stories high, were erected over the cloister, but were burnt down in 1678; in 1681 the cloister chambers were again rebuilt. During the formation of the present new entrance to the Temple by the church at the bottom of Inner Temple Lane, when some old houses were removed, the masons came on a strong ancient wall of chalk and ragstone, supposed to have been the ancient northern boundary of the convent.

John Burroughs (says Mr. Jeaffreson, in his "Law and Lawyers") used to relate that when the Gordon rioters besieged the Temple he and a strong body of barristers, headed by a Serjeant of the Guards, were stationed in Inner Temple Lane, and that

having complete confidence in the strength of their massive gate they spoke bravely of their desire to be fighting on the other side. At length the gate was forced, the lawyers fell into confusion, and were about to beat a retreat, when the Serjeant, a man of infinite humour, cried out in a magnificent voice, "Take care no gentleman fires from behind." The words struck awe into the assailants, and caused the barristers to laugh. The mob, who had expected neither laughter nor armed resistance, took to flight, telling everybody they met that the bloody-minded lawyers were armed to the teeth and enjoying themselves. The Temple was saved. When the Gordon rioters filled London with alarm, no member of the junior Bar was more handsome or prosperous than handsome Jack Scott, and as he walked from his house in Carey Street to the Temple, with his wife on his arm, he returned the greetings of the barristers, who, liking him for a good fellow, thought it prudent to remain on good terms with a man sure to achieve eminence. Dilatory in his early, as well as in his later days, Scott left his house that morning half an hour late. Already it was known to the mob that the Templars were assembled in their college, and a cry of "The Temple! kill the lawyers!" had been raised in Whitefriars and Essex Street. Before they reached the Middle Temple Gate Mr. and Mrs. Scott had been assaulted more than once. The man who won Bessie Surtes from a host of rivals and carried her away against the will of her parents and the wishes of his own father,

was able to protect her from serious violence. But before the beautiful creature was safe within the Temple her dress was torn, and when at length she stood in the centre of a crowd of excited and admiring barristers her head was bare and her ringlets fell loose upon her shoulders. "The scoundrels have got your hat, Bessie," whispered John Scott, "but never mind, they have left you your hair."

The elder Colman decided on making the younger one a barrister, and after visits to Scotland and Switzerland the son returned to Soho Square and found that his father had taken for him rooms in the Temple, and entered him as a student at Lincoln's Inn, where he afterwards kept a few terms by eating oysters. Upon this Mr. Peake notes, "The students of Lincoln's Inn kept term by dining, or pretending to dine, in the Hall during the term time. Those who feed there are accommodated with wooden trenchers instead of plates, and previously to the dinner, oysters are served up by way of prologue to the play. Eating the oysters, or going into the Hall without eating them, if you please, and then departing to dine elsewhere is quite sufficient for term keeping."

The chambers in King's Bench Walk were furnished with a tent bedstead, two tables, half a dozen chairs, and a carpet as much too scanty for boards, as Sheridan's rivulet of rhyme for its "meadow of margin." To these the elder Colman added £10 of law books, which had been given to

him in his own Lincoln's Inn days by Lord Bath, then enjoining the son to work hard, the father left town upon a party of pleasure. Colman had sent his son to Switzerland to get him away from a certain Miss Catherine Morris, an actress of the Haymarket company. This answered for a time, but no sooner had the father left the son in the Temple, than he set off with Miss Morris to Gretna Green and was there married in 1784, and four years later, the father's sanction having been obtained, they were publicly married at Chelsea Church.

In the same staircase with Colman, in the Temple, lived the witty Jekynn, who, seeing in Colman's chambers a round cage with a squirrel in it, he looked for a minute or two at the little animal which was performing the same operation as the man at the treadmill, and then quietly said, "Oh, poor devil! he is going the home circuit!" The locality where it was uttered—the Temple—favouring this technical joke.

On the morning young Colman began his studies, December 12th, 1784, he was interrupted by the intelligence that the funeral procession of the great Dr. Johnson was on its way from his late residence, through Fleet Street to Westminster Abbey. Colman at once threw down his pen and ran forth at once to see the procession, but was disappointed to find it less splendid and less imposing than that of Garrick five years before.

Blackstone, before dedicating his powers finally to the study of the law, in which he afterwards

became so famous, wrote in Temple chambers his
“Farewell to the Muse.”

Lulled by the lapse of gliding floods,
Cheer'd by the warbling of the woods,
How blest my day, my thoughts how free
In sweet society with thee.
Then all was joyous, all was young,
And years unheeded rolled along,
But now the pleasing dream is o'er,
These scenes must charm me now no more.
Lost to the fields and torn from you,
Farewell—a long, a last adieu.

“A wit,” says Archdeacon Nares in his pleasant book “*Heraldic Anomalies*,” “once chalked the following lines over the Temple gates :—

As by the Templar's hold you go,
The horse and lamb display'd,
The emblematic figures show
The merits of their trade.”
The clients may infer from thence
How just is their profession,
The saints set forth their innocence,
The horse their expedition.
Oh, happy Britons ! happy isle !
Let foreign nations say
Where you get justice without guile,
And law without delay.

In Essex Court one solitary barber remains, his shop is the last wigwam of a departed tribe. Dick Danby's, in the cloisters, used to be famous. In his “*Lines of the Chief Justices*,” Lord Campbell has some pleasant gossip about Dick Danby, who

kept a hairdresser's shop under the cloisters in the Inner Temple. "I first made his acquaintance from his assisting me, when a student at law, to engage a suite of chambers. He afterwards cut my hair, made my Bar wigs, and aided me at all times with his valuable advice. He was on the same good terms with some of my forensic contemporaries. Thus he became master of all the news of the profession, and he could tell who were getting on and who were without a brief, who succeeded by their talents, and who hugged the Attorneys, who were desirous of becoming judges, and who meant to try their fortunes in Parliament, which of the chiefs was in a failing state of health, and who was next to be promoted to the collar of S.S. Poor fellow, he died suddenly, and his death threw an universal gloom over Westminster Hall, unrelieved by the thought that the survivors who mourned him might pick up his business—a consolation which wonderfully softens the grief felt for a *Nisi Pruis* Leader."

Dr. Johnson came to the Temple (No. 1, Inner Temple Lane) from Gray's Inn in 1760, and left it for Johnson's Court (Fleet Street) about 1765. When he first came to the Temple he was loitering over his edition of Shakespeare. In 1762 a pension of £300 a year, for the first time made him independent of his booksellers. In 1763 Boswell made his acquaintance and visited him in his den. "It must be confessed," says Boswell, "that his apartments, furniture, and morning dress were sufficient-

ly uncouth. His brown suit of clothes looked very rusty; he had on a little old, shrivelled, and unpowdered wig, which was too small for his head, his shirt and knees of his breeches were loose, his black worsted stockings were ill-drawn up, and he had on a pair of unbuttoned shoes by way of slippers." At this time Johnson went abroad at four in the afternoon, and seldom came home till two in the morning. He owned it was a bad habit. He generally had a levee of morning visitors, chiefly men of letters—Hawkesworth, Goldsmith, Murphy, Langton, Stevens, Beauclerk, etc., and sometimes learned ladies. When Madame de Boufflers (the mistress of the Prince of Conti) was first in England, says Beauclerk, "she was desirous to see Johnson. I, accordingly, went with her to his chambers in the Temple, where she was entertained with his conversation for some time. When our visit was over, she and I left him, and were got into Inner Temple Lane, when all at once I heard a voice like thunder. This was occasioned by Johnson, who, it seems, upon a little reflection, had taken it into his head that he ought to have done the honours to his literary residence to a foreign lady of quality, and eager to show himself a man of gallantry was hurrying down the staircase in violent agitation. He overtook us before we reached the Temple gate, and, brushing in between me and Madame de Boufflers, seized her hand and conducted her to her coach. His dress was a rusty brown morning suit, a pair of old shoes by way of

slippers, etc. A considerable crowd of people gathered round, and were not a little struck by his singular appearance." It was in the year 1763, while Johnson was living in the Temple, that the Literary Club was founded; and it was in the following year that this wise and good man was seized with one of those fits of hypochondria that occasionally weighed upon that great intellect.

Boswell had chambers not far from the god of his idolatry at what were called Ferrar's Buildings, at the bottom of Inner Temple Lane. Charles Lamb came to Inner Temple Lane in 1809. Writing to Coleridge the delightful humorist says, "I have been turned out of my chambers in the Temple by a landlord who wanted them for himself, but I have others at Middle Temple Lane far more commodious and roomy. I have two rooms on the third floor and five rooms above, with an inner staircase, to myself, and all new painted; etc., for £30 a year. The rooms are delicious, and best look backwards into Hare Court, where there is a pump always going—just now it is dry. Hare Court's trees come in at the window, so that it is like living in a garden." In 1810 he says, "The household gods are slow to come, but here I mean to live and die." From this place he writes to Manning, who is in China, "Come and bring any of your friends, the mandarins, with you. My best suite commands a court, in which there are trees and a pump, the water of which is excellent cold—with brandy, and not very insipid without." He sends Manning some of his

little books to give him some idea of European literature. It is in this letter he speaks of Braham and his singing and jokes "on tithes of honour," exemplifying the eleven graduations by which Mr. Lamb rose in succession to be Baron, Marquis, Duke, Emperor Lamb, and finally Pope Innocent, and other lively matter fit to solace an English mathematician self-banished to China. The same year Mary Lamb describes her brother taking to water like a hungry otter, abstaining from all spirituous liquors, but with the most indifferent result, as he became full of cramp and rheumatism and so cold internally that fire could not warm him. It is but just to Lamb to mention that this ascetic period was brief. This same year Lamb wrote his first essay on Hogarth, and the tragedies of Shakespeare. He was already getting weary of the dull routine of work at the Indian House.

Goldsmith came to the Temple early in 1764 from Wine Office Court. It was a hard year with him, though he published "The Traveller" and opened fruitless negotiations with Dodsley and Tonson. "He took," says Mr. Forster, "rooms on the library staircase of the Temple. They were a humble set of chambers enough (one Jeffs, the butler of the society, shared them with him), and on Johnson's prying and peering about in them in his short-sighted fashion, flattening his face against every object he looked at, Goldsmith's uneasy sense of their deficiencies broke out, 'I shall soon be in better chambers, Sir, than these,' he said.

‘Nay, Sir,’ answered Johnson, ‘never mind that—nil te gravesiveris extra.’” He soon hurried off to the quiet of Islington, as some say, to write secretly the erudite history of “Goody Two Shoes” for Newberry. In 1765 the money from “The Vicar” enabled the author to move to larger chambers in Garden Court, close to his first, and yet one of the most agreeable localities in the Temple. He now carried out his threat to Johnson, started a man-servant and ran into debt, with his usually gay and thoughtless vanity of Mr. Filby, the tailor of Water Lane, for coats of divers colours. Goldsmith began to feel his importance and determined to show it. In 1766 “The Vicar of Wakefield” secured his fame, but he still remained in difficulties. In 1767 he wrote “The Good Natured Man,” knocked off an English Grammar for five guineas, and was only saved from extreme want by Davies employing him to write a history of Rome, for 250 guineas. In 1767, Parson Scott, Lord Sandwich’s chaplain, busily going about to negotiate for writers, described himself as applying to Goldsmith, among others, to induce him to write in favour of the administration. “I found him,” he says, “in a miserable set of chambers in the Temple. I told him my authority. I told him I was empowered to pay most liberally for his exertions, and would you believe it, he was so absurd as to say, ‘I can earn as much as will supply my wants without writing for any party, the assistance you offer is, therefore, unnecessary to me.’ And so I

left him," added the Reverend Doctor Scott indignantly, "in his garret."

In 1768 appeared "*The Deserted Village*," it was about the time that one of Goldy's Grub Street acquaintances called upon him whilst he was conversing with Beauclerk and General Oglethorpe, and the fellow telling Goldsmith he was sorry he could not pay the two guineas he owed him, offered him a quarter of a pound of tea and half a pound of sugar as an acknowledgment. In 1768, Goldsmith fell in love with Mary Horneck, known as the Jessamy Bride. Unfortunately he obtained an advance of £500 for his *Natural History*, and wholly expended it when only six chapters were written. In 1771 he published his *History of England*. It was in this year that Reynolds, coming one day to Brick Court, perhaps about the portrait of Goldsmith he had painted the year before, found him kicking a bundle, which contained a masquerade dress, about the room, in disgust at his folly in wasting money in so foolish a way. In 1772 Mr. Forster mentions a very characteristic story of Goldsmith's warmth of heart. He one day found a poor Irish student (afterwards Dr. McVeagh McDonnell, a well known physician) sitting and moping in despair on a bench in the Temple Gardens. Goldsmith soon laughed and talked him into hope and spirits, then taking him off to his chambers, employed him to translate some chapters of Buffon. In 1773 "*She Stoops to Conquer*" made a great hit, but Noll was still writing

at Lackwood and was deeper in debt than ever. In 1774, when Goldsmith was still grinding on at his hopeless drudge work, as far from the goal of fortune as ever, and ever resolving to abandon London life with all its temptations, Mr. Forster relates that Johnson, dining with the poet Reynolds, and some one else, silently reprovèd the extravagance of so expensive a dinner by sending away the whole of the second course untouched. In March, 1774, Goldsmith returned from Edgware to the Temple Chambers, which he was trying to sell, suffering from a low nervous fever, partly the result of vexation at his pecuniary embarrassments. Mr. Hawes, an apothecary in the Strand (and one of the first founders of the Humane Society) was called in; but Goldsmith insisted upon taking James's fever powders, a valuable medicine, but dangerous under the circumstances. This was Friday, 25th, and he died on Monday, April 4th, in his forty-fifth year. His debts amounted to over £2,000. "Was ever poet so trusted before" writes Johnson to Boswell. The staircase was filled with poor outcasts to whom Goldsmith had been kind and charitable. His coffin was opened by Miss Horneck that a lock might be cut from his hair. Burke and Reynolds superintended the funeral, Reynolds' nephew (Palmer, Dean of Cashel) being chief mourner. Hugh Kelly, who had often lampooned the poet, was present. At five o'clock on Saturday, the 9th of April, Goldsmith was buried in the Temple Churchyard. In 1837 a slab of white marble to the kindly

poet's memory was placed in the Temple Church, and afterwards transferred to a recess of the vestry chamber. "Of the poet," Mr. Forster says, "no memorial indicates the grave to the pilgrim or the stranger, nor is it possible any longer to identify the spot which received all that was mortal of that delightful writer. The present site is entirely conjectural, but it appears from the following note, communicated to us by T. C. Noble, the well-known city antiquary, that the real site was remembered as late as 1830. Mr. Forster, alluding to Goldsmith's love for the rooks, the former denizens of the Temple Gardens, says, "He saw the rookery (in the winter deserted, guarded by some five or six, like old soldiers in the garrison) resume its activity and bustle in the spring; and he moralized like a great reformer on the legal constitution that established the social laws enforced, and the particular castigations endured for the good of the community by those black dressed and black-eyed chatteringers." I have often amused myself," says Goldsmith, "with watching their plans of policy from my window in the Temple, that looks upon a grove where they have made a colony in the midst of the city."

Lives there a man with a soul so dead as to write about the Temple without mentioning the little Fountain Court—the pet and plaything of the Temple, that, like a little fairy sings to beguile the cares of men oppressed with legal duties. It used to look like a wagoner's silver whip—now a modern

writer cruelly calls it a pert squirt. In Queen Anne's time, Hatton describes it as forcing its stream to a vast and almost incredible altitude, it is now only ten feet high, no higher than a giant Lord Chancellor. Then it was fenced with pallsades, now it is caged in iron; then it stood in a square—now it is in a round. But it still sparkles, glitters, and sprinkles, and playfully splashes the jaunty sparrows that come to wash off the London dust in the variegated spray. It is quite careless, now, however, of notice, for has it not been immortalized by Dickens, who has made it the centre of one of his most charming love scenes. It was in fountain Court, our readers will like to remember, that Ruth Pinch—gentle loving Ruth—met her lover, by the merest accident, of course. There was, says Mr. Dickens, “a little plot between them, that Tom should always come out of the Temple by one way, and that was past the fountain. Coming through Fountain Court, he was just to glance down the steps leading to Garden Court, and to look once all round him, and if Ruth had come to meet him, there he would see her—not sauntering, you understand (on account of the clerks), but coming briskly up, with the best little laugh on her face, that ever played in opposition to the fountain and beat it all to nothing. For, fifty to one, Tom had been looking for her in the wrong direction, and had quite given her up, while she had been tripping towards him from the first, jingling that little reticule of hers (with all the keys in it) to attract his wandering observation. Whether there

was life enough left in the slow vegetation of Fountain Court for the smoky shrubs to have any consciousness of the brightest and purest hearted little woman in the world, is a question for gardeners and those who are learned in the loves of plants. But that it was a good thing for that same paved yard to have such a delicate little figure flitting through it, that it passed like a smile from the grimy old houses and the worn flagstones, and left them duller, darker, sterner than before, there is no sort of doubt. The Temple fountain might have leapt up twenty feet to greet the spring of hopeful maidenhood, that in her person stole on, sparkling, through the dry and dusty panels of the law; the chirping sparrows, bred in the Temple chinks and crannies might have held their peace to listen to imaginary skylarks, as so fresh a little creature passes; the dingy boughs unused to droop, otherwise than in their puny growth, might have bent down in a kindred gracefulness to shed their benediction on her graceful head, old love letters shut up in iron boxes in neighbouring offices, and made of no account among a heap of family papers, into which they had strayed, and of which, in their degeneracy, they formed a part, might have fluttered with a moment's recollection of their ancient tenderness as she went brightly by. Anything might have happened that did not happen, that will never happen, for the love of Ruth."

From the Middle Temple have also sprung swarms of great lawyers; we may mention especially Pow-

den, the jurist, Sir Walter Raleigh, Sir Thomas Overbury (who was poisoned in the Tower), John Ford, one of the latest of the great dramatists, Sir Edward Branston (chamber fellow to Mr. Hyde, afterwards Lord Claredon), Bulstrode Whitelock (one of Cromwell's ministers), Lord Keeper Guildford (Charles the Second), Lord Chancellor Somers, Wycherly, and Congreve, the dramatist, Shadwell and Southern (comedy writers), Sir William Blackstone, Edmund Burke, Sheridan, Dunning (Lord Ashburton), Lord Chancellor Eldon, Lord Stowell, as a few among the great multitude.

CHAPTER III.

THE KNIGHTS TEMPLAR.

The Order of the Knights Templars, established by Baldwin, King of Jerusalem, in 1118, to protect Christian Pilgrims on their way to Jerusalem, first found a home in England in 1128. Henry I., then Hugh de Payens, the first Master of the Order, visited our shores to obtain succour and subsidies against the infidel. The proud, and at first zealous, brotherhood originally settled at the south side of Holborn, without the Bars. Indeed, about a century and a half ago, part of the Caen Stone was found in the foundation of some old houses at the Holborn end of Southampton Buildings. In time, however, the Order amassed riches, and grown ambitious, purchased a large site of ground extending from Fleet Street to the river, and from Whitefriars to Essex House in the Strand. The new Temple was a vast monastery fitted for the residence of the prior, his chaplain, serving brethren and knights; and it boasted a Council Chamber, a refectory, and barrack, a church, a range of cloisters, and a river terrace for religious meditation, military exercise and the training of chargers. In 1185, Heraclius, the Patriarch of Jerusalem, who had come to London with the Masters of the Temple and the Hospital

to procure help from Henry II. against the victorious Saladin, consecrated the beautiful riverside church which the proud Order had dedicated to the Virgin Lady Mary. The late Master of the Temple had only recently died in the dungeon at Damascus, and the new Master of the Hospital, after the great defeat of the Christians at Jacob's Ford, on the Jordan, had swam the river covered with wounds and escaped to the castle of Beaufort.

The singular rules of the "Order of the Poor Fellow-soldiers of Jesus Christ and of the Temple of Solomon," were revised by the first Abbot of Clairvaux, St. Bernard himself. Extremely austere and earnest, they were divided into 72 heads, and enjoined severe and constant devotional exercises, self-mortification, fasting, prayer, and regular attendance at mattins, vespers, and all the services of the church. Dining in one common refectory, the Templars were to make known wants that could not be expressed by signs, in a gentle, soft and private way. Two and two were made to live together, so that one might watch the other. After departing from the supper hall to bed it was not permitted them to speak again in public, then only upon urgent necessity, and only in an undertone. All scurrility, jests, and idle words were to be avoided; and after any foolish saying, a repetition of the Lord's Prayer was enjoined. The principal Knights were to wear white garments both in summer and winter, as emblems of chastity. The esquires and retainers were required to wear black, or in pro-

vinces where that coloured cloth could not be obtained, brown. No gold or silver was to be used in bridles, breast-plates, or spears, and if ever that furniture was given to them in charity, it was to be discoloured to prevent an appearance of superiority or arrogance. No brother was to receive or dispatch letters without the leave of the Master or Procurator, who might read them if he chose. No gift was to be accepted by the Templar till permission was first obtained from the Master. No Knight was to talk to any brother of his previous frolics or irregularities in the world. No brother in pursuit of worldly delight, was to hawk, to shoot in the woods with long or cross-bow, to halloo to dogs, or to spur a horse after game. There might be married brothers, and they were to leave part of their goods to the chapter, and not to wear a white habit. Widows were not to dwell in the preceptories. When travelling, Templars were to lodge only with men of good repute, and to keep the light burning all night, "lest the dark enemy—from which God preserve us—should find some opportunity." Unrepentant brothers were to be cast out. Last of all every Templar was to shun "feminine kisses" whether from widow, virgin, mother, sister, aunt, or from any other woman.

During six of the seven Crusades (1096-1272), through which the Christians of Europe endeavoured with tremendous, yet fitful, energy to wrest the birthplace of Christianity from the equally zealous Moslems, the Knights Templar fought bravely

among the foremost. Whether on the side of Godfrey of Bouillon, Louis the Seventh, Philip the Fifth, Richard Coeur de Lion, Louis the Ninth, or Prince Edward, the stern sunburnt men in the white mantles were ever foremost in the shock of spears. In many a scorched desert track, by many a hill fortress, smitten with sabre or pierced with arrow, the holy brotherhood dug the graves of their slain companions.

A few of the deeds which must have been talked of on the Temple terrace and in the Temple cloister, must be narrated to show that, however mistaken was the ideal of the Crusaders, these monkish warriors fought their best to turn it into reality. In 1146 the whole brotherhood joined the second Crusade and protected the rear of the Christian army in its toilsome march through Asia Minor. In 1151, the Order saved Jerusalem and drove back the Infidels with terrible slaughter. Two years later the Master of the Temple was slain, with many of the white mantles. In fiercely essaying to storm the walls of Ascalon, three years after this, three hundred Templars were slain in a Moslem ambuscade near Tiberias, and eighty-seven were taken prisoners.

We next find the Templars repelling the redoubtable Saladin from Gaza; and in a great battle near Ascalon, in 1177, the Master of the Temple and ten Knights broke through the Maneluke Guards and all but captured Saladin in his tent. The Templars certainly had their share of Infidel blows, for in

1178 the whole Order was nearly slain in the battle with Saladin; and in another fierce conflict, only the Grand Master and two Knights escaped; while again at Tiberias, in 1187, when Saladin took Jerusalem, he next besieged the great Templar stronghold of Tyre; and soon after the party of Knights sent from London attacked Saladin's cover in vain, and the Grand Master and nearly half of the Order perished. In the subsequent siege of Acre the Crusaders lost nearly 100,000 men in nine pitched battles. In 1191, however, Acre was taken, and the Kings of France and England, and the Masters of the Temple and Hospital, gave the throne of the Latin Kingdom to Guy de Lusignan. When Richard Coeur de Lion had cruelly put to death 2,000 Moslem prisoners we find the Templars interposing to prevent Richard and the English fighting against the Austrian allies; and soon after the Templars bought Cyprus of Richard for 300,000 livres of gold.

In the defence of Jerusalem the Templars led Richard's army. When the attack on Jerusalem was suspended the Templars followed Richard to Ascalon, and soon afterwards gave Cyprus to Guy de Lusignan on condition of his surrendering the Latin crown.

When Richard attended the Crusades after his treaty with Saladin, it was the Templars who gave him a galley and the disguise of the Templars' white robe to secure his safe passage to an Adriatic port. Upon Richard's departure they established many

fortresses in Palestine, especially one on Mount Carmel, which they named Pilgrim's Castle.

The fourth Crusade was looked on unfavourably by the Brotherhood, who now wished to remain at peace with the Infidel, but they nevertheless soon warmed to the fighting, and we find a band of the white mantles defeated and slain at Jaffa. With the second detachment of Crusaders the Templars quarrelled, and were then deserted by them.

Soon after the Templars and Hospitallers, now grown corrupt and rich, quarrelled about some fortresses, but they were still favoured by the Pope Innocent, and in the Crusade of 1217 they invaded Egypt, and took Diametta by assault, and, at the same time, to the indignation of the English, wrote home urgently for more money.

An attack on Cairo proving disastrous they concluded a truce with the Sultan in 1221. In the Crusade of Emperor Frederick the Templars refused to join an excommunicated man.

In 1240 the Templars wrested Jerusalem from the Sultan of Damascus, but in 1243 were ousted by the Sultan of Egypt and the Sultan of Damascus, and were almost exterminated. In a two days' battle, in 1250, they were again defeated at Mansourah, when King Louis was taken prisoner, the Infidels demanded the surrender of all the Templar fortresses in Palestine, but eventually accepted Diametta alone and a ransom, which Louis enacted from the Templars. In 1257 the Moguls and Tartars took Jerusalem, and almost annihilated the

Order, whose instant submission was required. In 1268 Pope Urban excommunicated the Marshal of the Order, but the Templars, nevertheless, held by their comrade. Bendocdar Marmeduke took all the castles belonging to the Templars in Armenia and also stormed Antioch, which had been a Christian city for 170 years. After Prince Edward's Crusade the Templars were close pressed. In 1291, Ashraff Klalh besieged the two Orders, and 12,000 Christians, in Acre for six terrible weeks.

The town was stormed and all the prisoners who fled to the Infidel's camp were ruthlessly beheaded. A few of the Templars fled to the Convent of the Temple and there perished; the Grand Master had already fallen; a handful of Knights only escaping to Cyprus.

The persecution of the now corrupt and useless Order commenced sixteen years afterwards. In 1306, both in London and Paris, terrible murmurs arose of their infidelity and their vices. At the Church of St. Martin's, Ludgate, where the English Templars were accused, the following charges were brought against them:—

That at their first reception into the Order they were admonished by those who had received them within the bosom of the fraternity to deny Christ, the Crucifixion, the blessed Virgin, and all the saints.

That the receivers instructed those that were received that Christ was not the true God.

That they said that Christ had never suffered

for the Redemption of mankind, nor been crucified but for His own sins.

That they made those they received into the Order spit upon the cross.

That they caused the cross to be trampled underfoot.

That the brethren had sometimes trampled upon the same cross.

That they worshipped a cat which was placed in the midst of the congregation.

That they did not believe the Sacrament of the Altar, nor the other sacraments of the Church.

That they believed that the Grand Master of the Order could absolve them of their sins.

That the visitor could absolve sin.

That the Preceptors, of whom many were laymen, could also grant absolution.

That the reception of the brethren was made clandestinely.

That the brethren had idols in every province, viz., heads, some of which had three faces, and some one, and some a man's skull.

That they worshipped these idols

(a) as their God,

(b) as their Saviour.

That some of the brethren secretly possessed idols.

That the greater part favoured idolatry.

They said these idols could save them.

That they could produce riches.

That these idols had given to the Order all its wealth.

That they caused the earth to bring forth seed.

That they made the trees to flourish.

That the brethren bound and touched the head of the said idols with cords, wherewith they bound these about their shirts or next to their skins.

That at their reception the aforesaid little cords, or others of the same length, were delivered to each of the brothers.

That it was enjoined them to gird themselves with the said little cords as before mentioned, and continually to wear them.

That the brothers of the Order were generally received or initiated in that manner.

That those who refused to do as before mentioned, on their reception or afterwards, were killed or cast into prison.

These charges were never established, but the Order was proud and arrogant, and the accusations against the Knights were eagerly believed. Many of the Templars were burned at the stake at Paris, and many more in various parts of France.

In England their punishment seems to have been less severe.

The Order was formally abolished by Pope Clement the Fifth, in the year 1312.

CHAPTER IV.

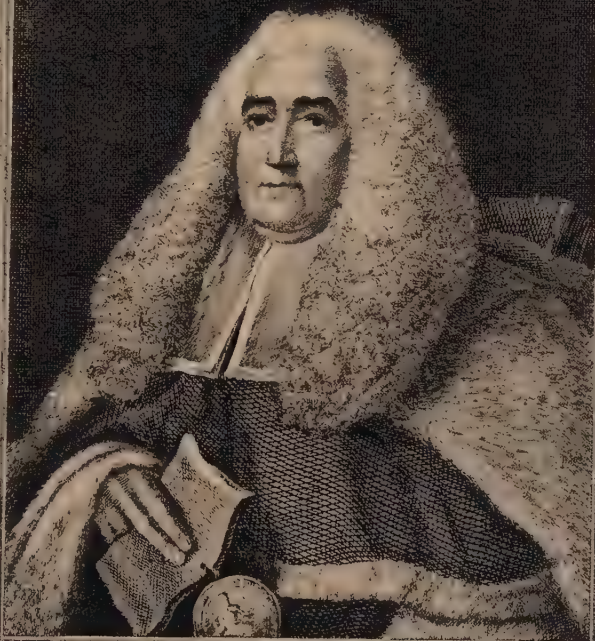
LINCOLN'S INN.

"The walks of Lincoln's Inn
Under the elms."

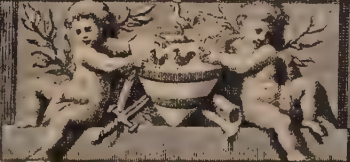
BEN JONSON.

AN Inn of Court anciently differed from an Inn of Chancery, according to an old writer, in that it received only the leviathans, behemoths, and other giants of the law, whereas an Inn of Court was resorted to by legal gudgeons and smelts.

Fortescue speaks in glowing terms of the Inns of Court in his own time; and as a member of Lincoln's Inn, he may be presumed to draw his remarks from what he had seen. He says: "Of the Inns of Court there are four in number. In the less frequented there are about two hundred students. In these greater Inns a student cannot well be maintained under £28 per year (equivalent to at least £500 now). For this reason the students are sons of persons of quality, those of an inferior rank not being able to pay the expenses. There is both in the Inns of Court and the Inns of Chancery a sort of academy or gymnasium, where they learnt singing and all kinds of music and such other accomplishments and diversions (which are called revels) as are suitable to their quality and usually practised at court. Out of term the greater number apply themselves to the



HONORABLE
WILLIAM BLACKSTONE ESQ.



Published as the Act directs by W. Stukley, J. Coddell & J. Pinner, Printers, 1765.

study of the law. All vice is discouraged and banished. The greatest nobility of the kingdom often placed their children in these Inns of Court, not so much to make the law their study, but to form their manners and to preserve them from the contagion of vice."

Possibly, however, the garrulous old writer has taken rather too *couleur de rose* a view of the domestic virtues taught and practised in his favourite Inn of Court. One subject, however, the celebration of "Revels" at certain seasons of the year within their walls, comes too frequently under the notice of the student of English history to be passed by unnoticed here. The idea of the actual existence of such "Revels" is so much out of keeping with our practical prosaic age of stuff and silk gowns, and barristers' wigs and the gravity of a judge, but it cannot fail to prove attractive alike to writers and readers. It is to be feared that the popular notion concerning them is drawn by far too exclusively from the lines of Gray, which are not true to the fact:—

"The grave Lord Keeper led the brawls.

The seals and maces danced before him."

It would have been far more true to have spoken of the "Revels" as plays performed by the youthful students of each Inn of Court, in the presence of the grave and reverend seigniors of the same.

These "Revels," together with almost every other harmless diversion of the kind, with much that was characteristic of our national manners

and habits would seem to have passed out of use during the time of the Puritan tyranny, which is usually styled the Commonwealth. The plays of Aeschylus and Sophocles and of William Shakespeare, were alike profane and unholy things in the eyes of these sour-visaged "Saints of the Lord," who tore down the Maypoles in our streets and broke the painted windows that adorned our churches which the Reformers had spared. It may, however, be said that these "Revels," while they lasted, were got up with great extravagance, and that many a parent suffered for his son's outlay on such "private theatricals." But then, though distasteful to the pockets of paterfamilias, it may be said that they must have been good for trade.

"Lincoln's Inn," says Charles Knight, "was never behind the Temple in its masques and Christmas revels; nor were the exercises of dancing and singing merely permitted, but even insisted on, at this Inn; for by an order made on February 6th, in the 7th of James 1st, it appears that the under-barristers were by decimation put out of commons for example's sake, because the whole Bar were offended by their not dancing at the Candlemas Day preceding, according to the ancient Orders of the Society when Judges were present; and a threat was added, that if a like fault were repeated they should be fined or disbarred."

Very careful provision would seem to have been made by the council, or benchers, of the Inn with regard to such minute matters as the apparel of its

members, who were bound to dress soberly and to avoid gay colours. On the matter of beards, too, it would seem that they exercised a degree of control which savoured of austerity. For instance, it is on record that the student who wore a beard should pay double for his daily commons and dinner in the hall. In the first year of Queen Elizabeth it was ordered "that no fellow of the house should wear a beard of above a fortnight's growth under penalty of loss of commons, and in case of obstinacy to final expulsion." Such, however, was the love of long beards, that it triumphed over these sumptuary restrictions, and in November, 1562, all previous orders on the subject were repealed and withdrawn. The long rapier, an appendage of fashion of a still more obnoxious character than the long beard, did not fare equally well. When Elizabeth, whose orders were paramount, ordered watchers to be set at each gate of the city to take the measure of every gentleman's sword, and to see that it did not exceed three feet, members of the Inns of Court were obliged to conform, as other citizens, and they were further obliged to lay aside their rapiers on entering their several dining halls, and to content themselves with the daggers which they wore behind. •

The life of a law student at the time of which we speak, when, as at Oxford and Cambridge, the students really lived in their chambers instead of in lodgings at a distance, and kept up a real bond of fellowship and social intercourse by the common

use of a hall and a chapel, must have presented an immense contrast to the usage of our own day. Even down to so late a period as the close of Elizabeth's reign, we are told, the members of Lincoln's Inn resorted once every year in the summer to Kentish Town, where they dined together and indulged in sports, just as nowadays the employees of some printing establishment drive off to Richmond or Crystal Palace to enjoy a holiday. The only remnant of the old social customs which once prevailed is to be found in the fact that there is a dinner served daily in the hall during term time for those who care to partake of it. But this must have been in reality only part of the daily routine in existence at the time when the collegiate system was not as yet wholly banished from the Inns of Court, when men really lived in their chambers and spent their lives in their Inns; at all events until they took on themselves the responsibility of a wife and a domestic establishment. Nor was their legal education neglected even at the dinner table; for at each mess it was a rule that there was to be a "moot" daily. The junior member of each mess had to propound to the rest at his table some knotty question of law, which was discussed by each in turn during the dinner. This excellent custom, however, still kept up as it is by members of many religious orders in the Roman Catholic Church, has long since disappeared from the Hall of Lincoln's Inn, although there is extant and probably unrepealed standing order of the reign of Edward VI.,

to the effect that every junior on each mess during dinner should "put to the rest a case of one point which was to be argued thoroughly."

It is obvious that while the lawyer must have an especial, he cannot feel that he has an exclusive interest in the early history of the Inns of Court, which form was a considerable part of the antiquities of the metropolis. The buildings of Lincoln's Inn, for instance, though consecrated to the legal profession for the past five or six hundred years, if they could speak of their earlier years would tell us of Knights Templars and of the proud house of De Lacy, Earls of Lincoln, and of more than one Bishop who held the Great Seal in the days of the Plantagenets.

If our imagination could carry us back to the thirteenth century we should notice, as we walked up what now is Chancery Lane, but then was known as New Street, leading from the Temple Bar up to Old Bourne, the palace of the Bishops of Chichester, the mansion of Henry de Lacy, Earl of Lincoln, and the beautiful church of the Knights Templars, resplendent with the solemn services which were daily celebrated within it. It is from this Earl of Lincoln that what is now Lincoln's Inn derives its name; and it is the opinion of the learned antiquary, Francis Thynne, that it was constituted a regular Inn of Court not long after that nobleman's death in 1312. Those of the buildings which still remain, however, are no older than the Tudor times, the old gateway and the hall being both erected in

the reign of Henry VII. The frontage of these buildings facing Chancery Lane is about 500 feet in length. The gatehouse is a fine specimen of late red brickwork of a Gothic type, and is now almost the only example of that sort of work to be found in London. The principal gateway and the two flanking towers, on either side, will stand in the same edition as when they were first erected, except that their red colour has been dulled by three centuries and a half of dust. The windows for the most part have been modernized, much to the loss of the picturesque effect. Over the gateway are still to be seen three shields of arms in as many square compartments. The first are those of the Lacy Earls of Lincoln, those in the centre are the Royal Arms of England, and the third are the bearings of the actual builder of the gate, Sir Thomas Lovel, Knight. Beneath this is a date A.D. 1518. These heraldic sculptures were repaired and re-decorated in 1815.

It is rumoured that this gateway, which abutts too closely on the narrowest part of Chancery Lane, is destined to be removed at no distant date in accordance with a plan in progress for rebuilding suites of chambers on one uniform plan. We should be sorry to lose the venerable, but somewhat gloomy, edifice, on account of the many illustrious personages with whom its memory is associated, and who must have passed beneath its portals on their way to their chambers—Sir Thomas More, Lord Keeper Egerton, Dr. Donne, Sir Henry Spelman, Sir Mat-

thew Hale, Sir John Durham, Attorney-General Moy, Rushworth, Lord Thurloe, Lord Shaftesbury, Lord Mansfield, and Lord Erskine.

The red brick buildings adjoining the gateway in Chancery Lane are of a slightly later date than the entrance, and it is in all probability to this portion of the structure that quaint old Fuller alludes when he writes of Ben Jonson, that "he helped in the building of the new structure in Lincoln's Inn, and having a trowel in one hand, he had a book in his pocket."

Mr. Peter Cunningham tells us that in the south angle of the great court leading out of Chancery Lane formerly called the Gatehouse Court, but now Old Buildings in No. 24, in the apartments on the ground floor on the left-hand side, Thurloe, the Secretary of Oliver Cromwell, had chambers from 1645 to 1659. Cromwell himself must often have darkened by his presence this doorway, and here by the merest accident, long after Thurloe's death, his papers and correspondence with the Lord Protector and other members of the Roundhead party were discovered, having lain for years concealed behind a false ceiling. Mr. John Timbs, in his "*Romance of London*," relates a curious anecdote concerning these chambers, to the effect that one evening Oliver Cromwell came thither to talk over with Thurloe a plot for seizing the person of Prince Charles, then at Bruges, and his brothers, the Dukes of York and Gloucester, when, finding Thurloe's clerk asleep at his desk, he drew a dagger to kill

him, thinking (as was really the case) that he had been overheard, and was with difficulty stopped by his secretary from carrying out his designs. The young clerk found means to warn the royal party of their danger, and the plot fell through. If this story is really true, it may safely be asserted that in this very set of chambers English Royalty had been saved.

The "Thurloe's Papers," it may be added on the self-same authority, were disposed of by a discoverer to Lord Chancellor Somers, who caused them to be bound up in sixty-seven volumes in folio, and they form the principal part to the collections afterwards published by Dr. Birch, and known by the name of the Thurloe State Papers.

The old hall, as seen through the archway leading into the Court from Chancery Lane, with its high-pitched roof, externally has the appearance of a monastic building, from its buttresses and pointed windows. It is situated in the first court opposite the entrance gate, and was erected in the twenty-second year of King Henry VII., so that it is nearly of the same date as the gateway; its appearance, however, is very different from the dull red brick of the entrance, being covered with an exterior coating of white plaster of stucco. It has undergone alterations at various dates, and in 1819 it was lengthened by ten or twelve feet, and the present unsightly modern ceiling was substituted for the fine open roof of oak which was removed or concealed. The hall is about 70 feet by 30, and 32 feet high. "It was

divided," says Mr. Spilsbury, the Librarian of Lincoln's Inn, "in 1853, by permission of the benchers, in order to form two courts, the one for the Lord Chancellor and the other for the administration of justice." In 1874 the partition was again removed and the building fitted up so as to form one spacious court for the Lord Chancellor and the Lords Justices, when sitting together or alternately. On the upper end over the seat of the Lord Chancellor is a picture of Paul before Felix, painted for the society by Hogarth; at the opposite end of the room is a statue of Lord Erskine, by Westmacott. The heraldic achievements in stained glass with which the windows were formerly enriched, and also those of the panels of the walls, have been removed to the new hall.

Here were held all the "Revels" of the society, in which the benchers themselves indulged. Dancing was especially enjoined, and was thought to conduce to the end to making gentlemen more fit for their books at other times. One of the latest "Revels," at which King Charles II. was present, is noticed by Evelyn and Pepys in their respective diaries. On the second visit of that monarch to Lincoln's Inn, on the 27th of November, 1671, he was accompanied by his brother, the Duke of York, Prince Rupert, the Duke of Monmouth, and others of the nobility. These illustrious and distinguished personages were admitted members of the Honourable Society, and entered their names in the admittance book, where their signatures are preserved.

Hogarth's picture, mentioned above, it may be interesting here to remark, was painted at the suggestion of Lord Mansfield, as the best way of expending a legacy of £200 left to the benchers.

The chapel possesses features of peculiar interest. It has been the opinion of some antiquaries that it is a restoration or reconstruction of a much earlier edifice; but there is evidence which proves conclusively that the present building was erected in the reign of James I., and that the old chapel was standing at the time of the consecration of the new one. It was built from the design of Inigo Jones, and consecrated in 1623. Ben Jonson is said to have assisted with a trowel in the building of this chapel, as well as of the outer wall already mentioned. Its size is 60 by 40 feet, and it is about 44 feet high. The windows are filled with stained glass of very brilliant colours, and the carved work of the oaken seats is of very chaste design and superior execution as specimens of the style prevailing in the reign of James I. The crypt in the chapel, now dwarfed by the gradual raising of the ground, was built, like the cloisters in the Temple, as a place for students and lawyers "to walk and talk and compare their learnings." Mr. Peter Cunningham reminds us that the round nave of the Temple Church was formerly used for a like purpose, and Butler and Pepys both allude to the custom. This crypt was long reserved as the burial place for the benchers of the Inn. In it sleeps the Puritan Baxter, by the side of Thurloe, and near him Alexander Brown, the

cavalier song writer, and William Prynne, already mentioned, who wrote against the unloveliness of love-locks, and the inscription on whose grave was already blotted out when Wood wrote his "*Athenae Oxonienses*."

The present noble hall and library, built of red brick and stone dressings by the late Mr. Phillip Hardwick, R.A., was commenced in 1843. The first stone of the hall was laid on the 20th of April in that year by Mr. James Lewis Knight-Bruce, the treasurer of the society. It bears the following inscription :—

" Slet lapis, arboribus nudo defius in horto,
Fundamen pulchrae tempus in omne domus.
Aula vetus lites et legum aenigmata servet,
Ispa noro escorior nobilitanda coquo.

XXIJ. CAL. MAIJ. MDCCCXLIIJ."

The inscription was humorously translated by the late George Rose as follows :—

The trees of yore
Are seen no more :
Unshaded now the garden lies,
May the red bricks,
Which here we fix,
Be lasting as our equities.

The olden dome,
With musty tome,
Of law and litigation suits :
In this we look
For a better 'cook,'
Than he who wrote the Institutes.

The library was originally 80 feet in length, but in 1873 it received an addition of 50 feet to its length. The present dimensions are 130 feet by 40 feet, and 44 feet high. The original foundation of this library is of earlier date than any now existing in the metropolis, namely, 1497. At the time of the removing of the books to the present building in 1845 the number of volumes was about 18,000. It has since gone on increasing so that the library now contains nearly 40,000 volumes, on law, jurisprudence, history, and other cognate and collateral studies. In addition to the collection of law books, admitted to be the most complete in England, the shelves of the library are well furnished with books of historical and various other classes of literature. Here also is a unique copy of "Prynne's Records" purchased in 1849, at the sale at Stowe, for £335. Here, likewise, is preserved the collection of the legal MSS. and books bequeathed to the Inn by Sir Matthew Hale, "a treasure," he says in his will, "that is not fit for every man's view." The foundation of this library was commenced as early as the reign of Henry VII., and the acquisition of books received a great impulse by an order issued in the early part of the reign of James I., to the effect that every person called to the Bar should contribute to it thirteen shillings and fourpence, and every benchman on his election twenty shillings. In the Council Room of the society is the portrait of Sir Matthew Hale, by Wright.

Stone Buildings—so called from the material of

which they are built—lie at the north-eastern extremity of Lincoln's Inn. The range of buildings form part of a design made in 1780 for rebuilding the whole Inn. The structure is commodious and imposing when viewed from the gardens or even from Lincoln's Inn Fields, but is in no way in keeping with the architecture of the other buildings in the Inn. The northern entrance is by handsome iron gates in the upper part of Chancery Lane.

The houses in New Square were built in the reign of Charles II. In the open space in the centre of the square there was formerly a Corinthian column, bearing a vertical sun-dial. The houses, which form three sides of a square—as stated, indeed, in the previous chapter—were formerly called Serle's Court, having been erected in 1682, by Henry Serle, one of the benchers of Lincoln's Inn. They are of brick, and are wholly occupied as chambers, many of the most eminent members of the Bar and legal profession holding them. It may be worth while to regard here the fact that Sir Samuel Romilly had chambers at Nos. 1 and 6, Sir Willian Grant at No. 3, and at No. 11, Lord Selborne, whilst as yet only Sir Roundell Palmer.

The site upon which the new structure is built was originally called Fickett's Field, or Little Lincoln's Inn Field. The garden in the centre was railed and planted in 1845, and in 1867 was erected within the enclosure the temporary building for the exhibition of the designs for the New Law Courts.

The gardens of Lincoln's Inn, though not washed

like those of the Temple by the "silver Thames," and though not possessing equal historical associations with the spot where the white and red rose were chosen as badges to two rival and royal houses, were not, and indeed are not, without a beauty of their own, and the fine elms which they contain are an ornament to the neighbourhood. They were famous of old, however, but have been much curtailed by the erection of the new hall and library at the south-western angle. There is a fine broad terrace walk; "the walk under the elms" celebrated by Ben Jonson has disappeared. In these gardens, we learn from the "Tatler" (No. 100), old Isaac Bickerstaffe delighted to walk, being privileged to do so by his friends among the benchers who had grown old along there with himself. In the time of the old Earls of Lincoln the gardens are said to have been most fruitful, supplying apples, nuts and cherries in great abundance, as well as flowers and "kitchen herbs," the produce of which, over and above what was needed for his lordship's household, brought to the steward of the estate a large sum annually.

The readers of Pepy's "Diary" will scarcely need to be reminded here of the following entry, as it has been so often quoted before:—

"27th June, 1663.

"To Lincoln's Inn, and there walked up and down to see the new garden which they are making, and will be very pretty, and so to walk under the chapel by agreement."

As to the past history of Lincoln's Inn, a part of its site was occupied in ancient times by a church and house of a body of "preaching friars," who came to England in 1221 and received much encouragement and great support in London. Hubert de Burgh, the Earl of Kent, who died in 1252, and was buried in Westminster, which was nothing less than the ancient White Hall, afterwards York House, and of which we shall have to speak presently. The Friars sold it to the Archbishop of York, who let it as an heirloom to his successor in the See.

In 1250 the Friars of this Order held a grand convocation at their house, when no less than 500 Churchmen were present. On the first day of their meeting Henry III. attended their chapter and sat with them at their table to a dinner which his royal self had provided. Afterwards the Queen did the same, and the example was followed by the Bishop of London, and Abbots of Westminster, St. Albans, Waltham, and others.

Here the Friars continued until 1276, when the Mayor and other influential citizens of London gave them a piece of ground near Baynard's Castle, between Ludgate and the Thames, to build a new monastery and church, which was afterwards known as "Black Friars." The old house appears to have been the property of William de Haverill, the King's Treasurer, and on his conviction for treason, to have been given by the Crown to Ralph de Nevill, Bishop of Colchester, and Lord Chancellor,

who built there the large house which he occupied in 1244. The memory of the Bishop is retained in the name of a small court between the Inn and Chancery Lane. Having passed through one intermediate owner it became the residence of Henry de Lacy, Earl of Lincoln, to whom Edward I. made a present also of the old Friar's house. The two, though joined together, formed a residence for the Earl, and hence the place was styled his Inn, meaning his lodging house. It is said that the Earl introduced law students into the Inn as early as the year 1310, but this is at best doubtful.

As the title-deeds of Lincoln's Inn do not go farther back than December, 1535, its early history is naturally involved in no little obscurity. The tradition of this establishment in the reign of Edward III. is highly probable, although no evidence of a documentary nature could be adduced to prove it. The first mention of the four Inns of Court—of which Lincoln's Inn, beyond a doubt, was one—occurs in the writings of Fortescue, who wrote in the latter half of the fifteenth century. According to the received opinion, Lincoln's Inn had flourished for a century and a half before Fortescue wrote; and certainly we met with no record of any distinguished student within these walls at that date. However, from a record of the same age as Fortescue, namely, "The Black Book" of the Inn, we find that it was the oldest of the four Inns of Court, or, at any rate, it was the first which instituted a settled form of government, and made pro-

vision for the needs of legal education. This "Black Book" commences in 1423, and gives the name of Fortescue himself as one of its governors or benchers. In 1440 the governors began to be formally sworn on taking office, and the students were also required to take an oath of obedience to that body. In 1464 the Society of Lincoln's Inn made an important step of progress in their organization of legal education by appointing a reader to give readings in the law to the students during the vacation of the Courts. The first reader whose name is recorded is William Huddersfield. The persons chosen as readers were the most eminent lawyers of the day under the degree of serjeant. The reader in 1475, and again in 1481, was Sir Thomas Lovel, who built the gatehouse of the Inn. In 1464 John More was raised from the office of butler to that of steward. In 1470 his long and faithful services to these two capacities were rewarded by his admission as a member of the society, and in 1489, and again in 1495, he held the high and honourable office of reader. His son John succeeded his father in the office of butler and enjoyed the like promotion. The son of this latter John More was the illustrious Sir Thomas More, the Chancellor and martyr. Of Sir Thomas More's conduct it was said, in the punning style of the day :—

"When More some years had Chancellor been
 No *more* suits did remain ;
 The same shall never *more* be seen,
 Till More be there again."

Allen, in his "History of London," remarks on this Inn that "it ranks next to the Temple, which it equals in the number of eminent lawyers that it has produced." Of these it may be sufficient to mention Sir John Fortescue, one of the "fathers of the English law," who held the Great Seal in the reign of Henry the Seventh; that virtuous Chancellor Sir Thomas More; the learned antiquary, Sir Henry Spelman; the great Sir Matthew Hale and Lord Chancellor Egerton. Prynne, the victim of Star Chamber tyranny, was also a member of this society. For the alleged libel in the "*Histrio Mastrix*" he was condemned by them to pay a fine of five thousand pounds, to lose his ears, to stand in the pillory, and to be imprisoned for life. Nor did the odious sentence end there, for the chamber, assuming authority co-extensive with its vindictiveness, ordered Prynne to be expelled from the university of Oxford and also from Lincoln's Inn.

The Inns of Court have been deservedly styled "the noblest nurseries of humanity, and liberty, in the kingdom." They are four in number, viz., the Inner Temple, Middle Temple, Lincoln's, and Gray's Inn. They are called Inns of Court because they were anciently held in the *Aula Regia*, or Court of the King's Palace. They are self-governed by an elective body of the benchers, consisting of the most distinguished and successful members of the Bar, the numerous body comprising between 3,000 and 4,000 barristers. No person is called to the Bar

until he is twenty-one years of age, and is of five years' standing as a student, except he be a member of the Universities of Oxford or Cambridge, in which case he may be called in three years.

At what time students were first admitted into Lincoln's Inn seems to be a doubtful question. Malcolm, on the authority of an old heraldic MS. which styles the "Inn" an ancient alley into the Middle Temple, observes that "There is no mention of any flourishing estate of the students and professors of the common law resident in this college during the reign of Henry the Sixth, when it appears by the rolls and remembrances of that house the same then began to be famous."

Besides the office of reader, which is now held by a clergyman, the Inn has two other offices held by men in Holy Orders, namely, that of preacher and chaplain. Since 1581, when the first appointment of preacher to the society appears to have been made, the name of the most eloquent and distinguished divines of the Church of England have filled the office, amongst whom have been Archbishop Tillotson, Dr. Donne, Thomas Gabaker, and Dr. Hurd; Bishops Warburton, Heber, Mallty, and Archbishop Thompson. In fact, the preachiership of Lincoln's Inn has even been regarded as a "stepping-stone to a bishopric."

Amongst the most illustrious students, benchers, treasurers, and members of these Inns, have been Sir Robert Attkins, Lord Chief Baron of the Exchequer, temp. William the Third, Sir John Fortes-

cue, Anthony, first Earl of Shaftesbury, Lord Southampton, Archbishop Tillotson, Sir Arthur Plantagenet, natural son of Edward the Fourth, Sir Joseph Jekyll, Sir Thomas Egerton, Lord Keeper of the Great Seal, temp. Elizabeth, Sir Thomas More, Chancellor of England already mentioned, the Earl of Hardwick, Lord Talbot, Sir Robert Walpole, Sir Matthew Hale, whose gift to the library is noticed above, Lord Mansfield, Lord Walsingham, Dr. Warburton, Bishop of Gloucester, Lord Camden, Lord Henley, William Pitt, Addington, afterwards Lord Sidmouth, Lord Ellenborough, the chief Justice, the Right Hon. Spencer Percival, Dr. Jackson, Bishop of Oxford, Sir Vincent Gibbs, James Lord Dunfermline, and at least three Lord Chancellors of our own day, Brougham, Collenham, and Campbell.

CHAPTER V.

GRAY'S INN.

Holborn has long been famous as a law quarter of London. In it are situated Gray's Inn of Court and Staple Inn and Barnard's Inn of Chancery, together with the old legal haunts of Thavies' Inn and Furnival's Inn. The most important is Gray's, which will receive our attention in this chapter.

Gray's Inn, on the north side of Holborn, and to the west of Gray's Inn Lane, is the fourth Inn of Court in importance and size. It derives its name from a noble family of Gray of Wilton, whose residence it originally was. Edmund, Lord Gray of Wilton, in August, 1505, by indenture of bargain and sale, transferred to Hugh Denny, Esq., the manor of Portpoole, otherwise called Gray's Inn, four messuages, four gardens, the site of a wind-mill, eight acres of land, ten shillings of free rent, and the advowson of the Chauntry of Portpoole.

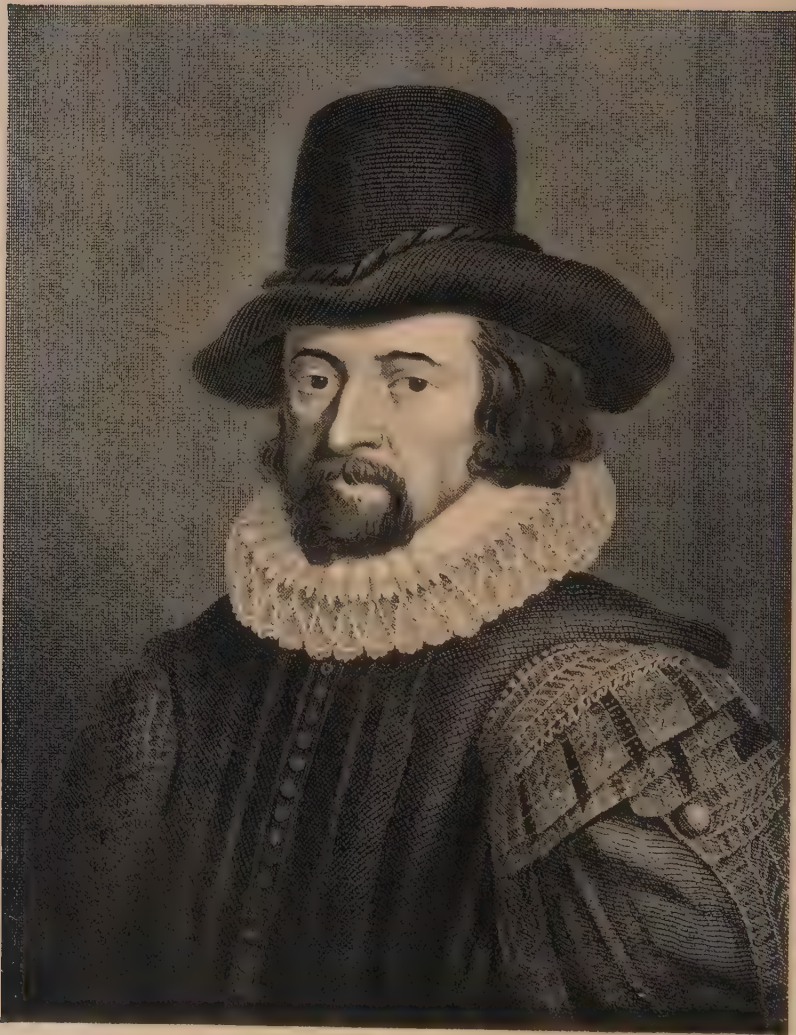
From Denny's hands the manor passed into the possession of the Prior of the Convent of East Sheen, an ecclesiastical establishment celebrated as having been the nursery of Cardinal Reginald Pole, and many other distinguished Churchmen of the sixteenth century. By the convent the mansion of Portpoole was leased to certain students of law,

who paid, by way of rent, sixteen pounds thirteen shillings and fourpence a year. This arrangement held good until the lively time when Henry VIII. seized all the monastic property he could lay hands on. The benchers of Gray's Inn were thenceforth entered in the King's book as fee-farm tenants of the Crown, and paid annually into the exchequer the same rent as was formerly due to the monks of Sheen. The domain of the society covered a large tract of land between Holborn and King's Road.

The name of Portpoole still survives in Portpoole Lane, which runs from the east side of Gray's Inn Lane and Leather Lane, and Windmill Hill still exists to point out the site of the windmill mentioned in the deed of the transfer we have just quoted.

The old buildings of Gray's Inn are spoken of by a contemporary writer as boasting neither uniformity nor capacity. They were erected by different persons, each of whom followed the dictates of his own taste, and the accommodation was so scanty that often the ancients of the house had to lodge double.

The building of the Hall of the Inn was begun in the reign of Queen Mary. It was finished in the reign of Elizabeth, and cost eight hundred and sixty-three pounds ten shillings and eightpence. In appearance the hall is a very handsome chamber, little inferior to that of Middle Temple Hall. Its carved wainscott renders it much more magnificent than the Inner Temple Hall, or Lincoln's Inn Hall; its windows are richly emblazoned with the



SIR FRANCIS BACON.

armourial bearings of Burleigh, Lord Verulam, Sir Nicholas Bacon, Judge Jenkins, and others. It is seriously contended that in the year 1594 Shakespeare's "Comedy of Errors" was acted in this hall. At this time the Bard of Avon was about thirty years of age. During the seventeenth century the garden of Gray's Inn was a fashionable promenade, but now it is interesting mainly because of its trees, which were planted by Sir Francis Bacon.

Of all the many men of eminence who have belonged to Gray's, Francis Bacon is the chief. He began to keep terms there in 1579, when eighteen years of age, occupying chambers in 1, Coney Court, now Gray's Inn Square; he dined and read in the hall, and joined in those magnificent revels of which there is now no counterpart; he was regular in his attendance at Pension; he was the treasurer and a Benchler; and he wrote many of his essays and treatises within the walls of Gray's when they were surrounded by trees and meadows, stretching unobstructed, northwards, to visible Hampstead and Highgate. Not Samuel Butler, or Southey, the poets, Dr. Johnson, lexicographer, or Lord Macaulay, the historian, all of whom spent part of their days in Gray's Inn, fill half so conspicuous a place in its history as does Bacon.

Perhaps one can find to-day within the precincts of Gray's Inn more persons to strenuously argue that Sir Francis Bacon wrote "Hamlet" and "King Lear" than anywhere else under our

sky. However, there were never two men more unlike in character than William Shakespeare and Francis Bacon. Shakespeare's works show him not only as a conjurer whose magic wand brought forth from the earth, air and sea, all imaginable beauties, but he was an enthusiastic lover of truth and justice. Certainly of all the thousands who have been called to the Bar by the benchers of Gray's Inn, Francis Bacon, Lord Verulam, deserves the highest admiration as a philosopher. Although he did not write the Shakespearian plays, he was a copious, correct, and elegant writer of marvellous learning, wisdom, and wit. It is a matter of profound regret that the elements were not so mixed in him that history could write down his name as an honest man. Verily the life of this remarkable man is a striking illustration of the truth beautifully expressed by his countryman, Tennyson, "'Tis only noble to be good."

Gray's Inn was always celebrated for its masques and plays. In the sixteenth century the benchers fined those students who left the hall before the conclusion of the revels.

Beaumont and Fletcher wrote a masque entitled, "The Masque of the Inner Temple and Gray's Inn," which was performed alternately by the two Inns, the title being varied accordingly.

For some years there existed an artistic alliance between Gray's Inn and the Inner Temple, with respect to plays, pageants, processions, and masques.

In 1887 a masque at Gray's Inn was performed in honour of Queen Victoria's Jubilee. It was entitled "The Masque of Flowers," and was first performed during the reign of Queen Elizabeth. In 1891 the same masque was performed at the Inner Temple Inn. While Gray's Inn cannot show as long a roster of famous men who received their legal education in its precincts as the two Inns of the Temple and Lincoln's, the Inn has just cause to mention some really great sons.

Of course the two first mentioned are Nicholas Bacon and his son, Francis Bacon; Thomas Cromwell, Earl of Essex, John Dudley, Duke of Northumberland, the Earl of Southampton, Sir Thomas Gresham, and Lord Burleigh, all belonged to Gray's Inn.

The visitor from across the seas can to-day saunter through the walks of Gray's Inn, where so many years ago Sir Walter Raleigh and Sir Francis Bacon strolled arm in arm discussing the law, politics, and philosophy of their period.

Bacon met the cause of his death on the 2nd day of April, 1626, in the Gray's Inn Garden. The presence of snow lying unusually thick upon the ground as late as April caused this wonderful man much thought. He determined to experiment with the snow to find out whether it could not be useful to preserve meat instead of salt. While so experimenting he suffered a chill which was so severe that he had to be helped into Lord Arundel's house near by, and he never left it alive.

On October 17th, 1908, there was celebrated at Gray's the three hundredth anniversary of his election as treasurer of the Inn. Here many great Englishmen of the twentieth century met to honour a man who possessed the richest intellectual gifts of his period. A finer setting for such a gathering could not have been chosen than Gray's Hall, with its beautiful Tudor carvings, minstrels' loft, and oaken screen, which tradition says was the gift of good Queen Bess, whose "glorious, pious, and immortal memory" is still solemnly toasted on Grand Night in each term.

Gray's Inn had its full share of the countenance of the Bacon family. Records show that forty-eight members of the Society bore that name, and that no less than eight were christened Francis. The four brothers of Lord Verulam—Nicholas, Nathaniel, Edward, and Anthony—were all entered there. From his admission Francis made a home of the retreat, and the endearment never relaxed. "Few men," he once wrote, "are so bound to their societies by obligations, both ancestral and personal, as I am to yours." To this day there remain evidences of his close attachment. In the library, which dates from 1497, are to be found books given by him and his brother Nathaniel, nephews of "mighty Verulam," and on the north-west side of the gardens is a catalpa tree, which tradition says he planted. Bacon was ever a lover of the garden. "It is," he wrote, "the purest of human pleasures. . . . the greatest refreshment to the spirits of

man." No wonder, then, that, when grown attached to Gray's, and established there in more or less authority, he saw to it that the walks and grounds were well looked after. They are, indeed, said to have been laid out under his direction.

The gardens of the Inn are not what they were in the old days. They must have been very beautiful once, for Charles Lamb calls them "the best gardens of any in the Inns of Court, my beloved Temple not forgotten." They are to-day of the gravest character, their aspect being altogether reverend and law-breathing.

Three of England's greatest essayists, Bacon, Addison, and Lamb, delighted to write of this old school of the law.

Grays is not now foremost of the four great Inns of Court. But in Bacon's time, like all the other Inns, it had its smaller Inns of Chancery—Staple's and Barnard's—attached, it ranked first as a fashionable lounge, to which all the celebrities of the time flocked. Great ladies, with their cavaliers, promenaded beneath the stately trees, shielded from the common gaze, and conscious that nowhere else was such beauty and intellect to be found concentrated. "Here I, to Grayes Inn walk, all alone, and with great pleasure seeing the fine ladies walk there," wrote Pepys in his diary, in May, 1662. And, again, "When church was done, my wife and I walked to Grayes Inn to observe fashions of the ladies, because of my wife making some clothes." Such assemblages Bacon sought to provide with

fitting surroundings, so when treasurer he obtained a grant for laying out the walks and planting the garden and hedges with woodbines, eglantines, privet, violets, primroses, and vines. Out of a total expenditure in two years of £489 5s. 9d., no less than £251 9s. 7d. went to this purpose.

So, likewise, he shared in the wild delights of those masques and revels which Gray's Inn carried to greater elaborateness than any of the other Inns, save, possibly, the Inner, though, judging by what he wrote, he gave them countenance more from policy than choice. "These things are but toys," he recorded, "but yet, since Princes will have such things, it is better they should be graced with elegance than daubed with cost." So he strove to make them elegant in the direction that elegance then took; and records show it was in the direction of excessive elaboration and luxury—possibly, also, of laxity and unrestraint. In one particular masque Bacon undoubtedly took a very considerable part. That was on the occasion of the marriage of the Earl of Somerset and the Lady Frances, daughter of the Earl of Suffolk. Out of his own pocket he spent £2,000 to secure brilliance to the function.

Bacon himself was the central figure in a great procession which, in Trinity Term, 1617, moved out from Gray's Inn to Westminster. He was to be installed as Lord Keeper, and there accompanied him a great host of earls, barons, knights, and gentlemen, such as the streets of London never now contain. Unfortunate days came afterwards, in

which he removed from Gray's Inn, but he returned again, and penned many of those essays that remain treasured evidence of his talents. To the end he preserved that affection for the old Inn which is embodied in the dedication of his "Arguments of Law," written when Solicitor-General, "To my lovinge friends and fellows, the readers, ancients, utter barristers and students of Gray's Inn."

The other day I was showing an American lady this ancient Inn, when she suddenly remarked: "Of course, all this is very antique and picturesque, but it is not up-to-date." It is hard for the Americans to understand that the English are old fashioned and conservative as a matter of choice and deliberation. Very often they reject a novelty, not because they do not see utility, but because they prefer that which the novelty is intended to displace. Few realize how radically English people differ from their American cousins. England stands for the idea of holding fast to the past as well as to live in the present. It is to-day the most old-fashioned conservative country of the Caucasians, and yet this little island, set in the silver sea, has done more to make the whole world civilized and progressive than any other nation in history. This conservative country, which lovingly preserves the ancient and picturesque, has by sheer intellectual supremacy made its language the world language.

The United States of America, the world's most progressive and up-to-date nation, has adopted not only the language, but the system of law and the

customs and habits of every day life from old-fashioned England. Such imitation is more than flattery, it is a form of unconscious worship. The supremacy of the English language, literature, law and customs in America is not because the English were the first settlers, or because most Americans were of English blood, for neither is the fact. The Spaniards were the first settlers, and to-day there are ten men of Latin blood in the States to one man of English extraction.

I practised law in the city of New York for over ten years, and during that time saw more Chinamen than Englishmen. I also observed that with most Americans, an Englishman was about as popular as a Chinaman. This has always impressed me as unfortunate and unjust, and I take advantage of this opportunity to declare myself.

The supremacy of the language and law which comes from England is due to a natural law of the universe—the survival of the fittest.

CHAPTER VI.

INNS OF CHANCERY FORMERLY BELONG- ING TO THE TEMPLE.

CLIFFORD'S INN.

To the two Temples, the Inner and Middle, belonged five Inns of Chancery, Strand Inn (destroyed at the building of Somerset House), Clifford's Inn, Clement's Inn, New Inn, and Lyon's Inn. Of the ancient state of these, and, indeed, of most of the Inns of Chancery, which were, as before observed, of a subordinate rank, scarcely anything can be said. There are no records which fix any certain date to their foundation; and excepting their own local constitutions, which principally respected their *exercises of learning*, and were very similar to those of other Inns, their concerns may be said to have been absorbed in those of the larger Inns of Court, of which they were members. Clifford's Inn, a member of the Inner Temple, is situated on the north side of Fleet Street, adjoining St. Dunstan's Church, and is of very considerable antiquity. It derives its name from the honourable family of the Barons Clifford, ancestors of the Earls of Cumberland, who had a residence there many ages since, which was called, according to the custom of the time, "Clifford's Inn."

The first of the family that appears to have

possessed this residence was Robert de Clifford, an officer of great power, in the reign of Edward II., who received it by a grant from that monarch, dated February 24th, in the third year of his reign, in these words :—

“ The King granteth to Robert Clifford that messuage, with the appurtenances, next the Church of St. Dunstan’s in the West, in the suburbs of London ; which messuage was sometimes *Malculines de Herley*, and came to the hands of Edward I. by reason of certain debts which the said *Malculines* was bound at the time of his death, to our said father, from the time that he was escheator on this side Trent, which house John, Earl of Richmond, did hold at our pleasure, and is now in our possession,” etc.

This grant was held by the service of one penny, to be paid into the King’s exchequer at Michaelmas.

After the death of Robert de Clifford, *Isabel*, his widow, let the same messuage, 18, Edward III., to the students of the law, or apprenticiis de Vanco, as they were then called.

Clifford’s Inn fell into the King’s hands after this period, by means with which we are unacquainted, but returned again to the Cliffords. Since that time, first by lease, and afterwards by a grant in fee-farm to Nicholas Sulyard, Esq., principal of this house, and a bencher of Lincoln’s Inn, in the reign of Henry VI., Nicholas Guybon, Robert Clinche, and others, the then seniors of it, and in consideration of £600 and the rent of £4 per annum,

it has continued to be a mansion for lawyers till the present time.

This society was governed by a principal and twelve rulers. The gentlemen were to be in commons a fortnight in every term; and those that were not, paid about 4s. a week, but not always certain. They sell their chambers for one life, and formerly had mootings.

Their armorial ensigns are chequy *or* and *az.* a fess gules, within a border of the third.

In Maitland's "London" Clifford's Inn is said to be "of late years much enlarged in new buildings. In the garden, an airy place and neatly kept, the gardens being enclosed with a palisade paling, and adorned with rows of lime trees, are set grass plots, which have a pleasant appearance, intersected by gravel walks."

The gardens do not altogether at present answer the above description, being rather neglected, and several of the houses in the Inn want rebuilding; but it, nevertheless, is a tolerably pleasant retirement. It consists, like Clement's Inn, of three small courts or squares, two of which are separated by the hall, the passage of which forms a thoroughfare into the two inner courts.

It has the conveniency of three doors, or entrances; the one into Serjeant's Inn, in Chancery Lane, another into Fetter Lane, and a third into Fleet Street.

The hall is a moderate sized room, and modern, though built in imitation of the Gothic style. It

contains nothing worthy of remark, except an old-fashioned chest, in which are kept the original institutions of this society, and which are of a nature very similar to those of the other Inns.

In this hall Sir Matthew Hale and the principal judges sat after the great fire of London, to settle the various differences that occurred between landlord and tenant, and to ascertain the several divisions of property; which difficult and important business was performed by them so much to the satisfaction of the city, that the Mayor and Commonalty, in gratitude for so signal a service, ordered their *portraits* to be painted, and hung in the Guild-hall, where they still remain.

In this momentous employment it is but justice to the memory of Judge Hale to say that he was the first that offered his service to the city; and this measure certainly obviated numerous difficulties that would otherwise have occurred concerning the rebuilding of it; insomuch, says the author of his life, "that the sudden and quiet building of the city, which is justly to be reckoned among the wonders of the age, is in no small measure due to the great care which he and Sir Orlando Bridgeman, then Lord Chief Justice of the common pleas, used, and to the judgment they showed in that affair," etc.

LYON'S INN.

Lyon's Inn is situated between Holywell Street and Wych Street, and is, like the former, an appendage of the Inner Temple.

It is known to be a place of considerable antiquity from the old books of the steward's accounts, which contain entries made in the time of King Henry V. How long before that period it was an Inn of Chancery is uncertain.

Its government was formerly vested in a treasurer and twelve ancients. The gentlemen of the house were in commons *three* weeks in Michaelmas term, in other terms, *two*. They paid 5s. for the reading weeks, and for the others 2s. 6d. ; sold their chambers for one or two lives and had mootings once in four terms.

This little Inn, whose buildings at present exhibit evident marks of neglect and decay, consists of one small square only, and has chambers built on two sides, the windows of the northern range looking into Wych Street, and the others into the Inn ; the south side is formed by the old houses in Holywell Street.

It has a hall, which stands in the south-west corner of the Court, and was formerly, when properly kept, a commodious handsome room ; but it is now appropriated to indifferent persons.

The exterior is decorated with a handsome doorway, to which there is an ascent by a flight of stone steps and balustrades ; the roof terminates in a pointed pediment, in the midst of which is the armorial bearing of the society : a lion, in *alto relievo*, indifferently sculptured, and beneath, the date 1700.

ST CLEMENT'S INN.

St. Clement's Inn appears to have derived its name from the church near which it stands, and a celebrated holy well adjoining; both of which were dedicated to the Roman Pontiff St. Clement. This well was one of the principal springs at which the city youth on festival days used to entertain themselves with a variety of diversions, and is the same which is now covered, and a pump placed in it, on the east side of St. Clement's Inn, and lower end of Clement's Lane.

A house, or Inn of Chancery, for the education of the students of law, was situated on this site, in the time of King Edward IV.

The buildings of the present Inn are all modern, and occupy three small courts, through which there is a thoroughfare in the day-time to Clare Market and into New Inn. The chambers are by no means as good as those of the latter place.

The hall fills one side of the middle square, or court, and is a well-proportioned and elegant room. It contains a good portrait of Sir Matthew Hale, and five other pictures of no importance. On the outside, the front of which has a respectable and handsome appearance, are placed the Arms of the society, Argent, an anchor (without a stock) in pale proper, and a C sable passing through the middle.

In the middle of the garden, which adjoins that of New Inn, and is kept with particular neatness, is a sundial, supported by a figure of considerable

merit kneeling (a naked Moor, or African), which was brought from Italy by Lord Clare, and presented to the society : it attracts much attention.

The students who nestled at this and several adjoining little law seminaries or Inns, notwithstanding the greater severity than at present with which they were governed, appear to have possessed much of the unruliness of the modern gentlemen of our universities.

St. Clement's Inn is an appendage of the Inner Temple.

NEW INN, IN WYCH STREET.

New Inn, since the destruction of Strand Inn, which anciently belonged to the Middle Temple, is the only law seminary remaining in the possession of that society. It stands contiguous to Clement's Inn on the west, and has little to interest, being built of brick, and entirely modern. In point of neatness, however, it may be proposed as an example to many of the other Inns, none of which are more pleasantly situated, and few so well kept.

The buildings occupy three sides of a square, the fourth, or north-easterly part, joining to Clement's Inn, from which it is only separated by a gate and iron railing. They contain a number of spacious and handsome chambers, and which are in general inhabited by the more respectable part of the profession. The garden, which is a fine large plot of ground, surrounded by iron railing, and is laid out in pleasant walks, is common to both societies.

The hall is a high square brick building, and stands towards the south-east corner of the square; the front is adorned with a large clock. It has nothing withinside remarkable, but is a spacious and good room.

The site of the New Inn, about the year 1485, was occupied as a common Inn or hostelry for travellers and others, and was called, from its sign of the Virgin Mary, "Our Lady Inn." "It became first a hostell for students of law," says Dugdale, (as the tradition is), "upon the removal of the students of law from an old Inn of Chancery, situated in Seacole Lane, a little south from St. Sepulchre's Church, called St. George's Inn, and was procured from Sir John Fineux, Knight, some time Lord Chief Justice of the King's Bench, for the rent of £6 per annum, by the name of New Inn."

The tradition is further confirmed by Stowe:—"In St. George's Lane (near St. Sepulchre's Church), on the north side thereof remaineth yet an olde wall of stone inclosing a piece of ground by Seacole Lane, wherein (by report) sometime stood an Inne of Chancery; which house being greatly decayed, and standing remote from other houses of that profession, the company removed to a common hostery, called of the signe, *Our Lady Inn*, not far from Clement's Inne, which they procured from Sir John Fincox, Lord Chiefe Justice of the King's Bench, and since have held it of the owners, by the name of the New Inne, paying therefore sixe

pound rent by the yeere as tenants at their owne will; for more (as is said) cannot be gotten of them and much lesse will they be put from it."

This society was governed by a treasurer and twelve ancients.

The members were to be in commons, in their gowns and caps (as the other courts), one week in every term, or pay if not there. They had also anciently *mootings* once or twice a term.

Their armorial ensigns are, *vert a flower-pot argent.*

New Inn may boast the honour of having educated the great Sir Thomas More, who for some time studied here previous to his entering himself of Lincoln's Inn, of which he was afterwards a *reader*. And here the students of Strand Inn, as being also under the same government of the Middle Temple, removed, on the destruction of their house, as before mentioned, by the Protector Somerset.

STRAND INN.

Strand Inn, called also Chester Inn, or "Chester's Inn," was a house of Chancery belonging to the Middle Temple, which stood near the Church of St. Mary le Strand, and, together with that building and several others, was destroyed in the reign of Edward VI., to make room for Somerset House—the students having previously been removed to New Inn, opposite.

Occleve, the poet, in the reign of Henry V., is said to have studied the law at "Chestre's Inne,"

which is the only circumstance known concerning it. It is presumed by Strype to have been built on ground belonging to the Bishops of Chester; to one of whom, Roger de Mulnet, or de Molend, called also *Longspée* Roger, named the *Armer*, by his deed, dated 1257, gave and confirmed "a parcel of land and buildings lying in the parish of St. Mary le Strand, without London, towards Westminster; and the same to hold to the said Roger and his successors by the yearly rent of 3s., at Easter." For the purchase of this the Bishop gave twenty marks of silver.

Chestre's Inn is frequently confounded with the house of the Bishops of Chester, which stood near the same spot, and was sometimes so named; but Stowe says the latter was most commonly called "Litchfield and Coventrees Inne, or London Lodgings," and was first built by Walter Langton, Bishop of Chester, and Treasurer of England, in the reign of Edward I. Many pieces of land, from Temple Bar and so towards the Strand, lying in the parishes of St. Clement Danes and St. Mary Strand, were about the same time granted, and built upon, viz., in the 29th of Edward I. Walter de Barbur had granted him a void place in the high street, in the parish of St. Clement Danes, without the Bars of the New Temple. The same year Robert le Spencer had another vacant place of ground in the same parish, containing forty feet in length and forty in breadth. The second of Edward II., Thomas, Earl of Lancaster, granted to the

Bishop of Landaff, a place of ground near the Church of St. Mary atte Strand, containing four-score feet in length and eight in breadth, *pro manso suo ibidem elongand* (for enlarging of his mansion-house there). And in the fifteenth of Henry II. John de Langton obtained for the Bishop of Worcester a place in the parish of St. Mary atte Strand, containing thirty perches in length and four in breadth.

In the high street near the Strand, some time stood a cross of stone against the Bishop of Coventry or Chester's house, aforesaid, "whereof I read (says Stowe) that in the year 1294, and divers other times, the justices itinerant sat without London at the stone cross over against the Bishop of Coventry's house, and sometimes they sat in the Bishop's house, which was hard by the Strand (as aforesaid)."

CHAPTER VII.

INNS OF CHANCERY FORMERLY BELONG- ING TO LINCOLN'S INN.

THAVIE'S INN.

Thavie's Inn, burnt down some few years since, and now converted into a private court, adjoined the Parish Church of St. Andrew, Holborn, and is at least as old as the time of King Edward III. It took its name from one John Thavie, or Tavie, whose house it then was, and who directed, that after the decease of his wife Alice, his estates should be sold in order to maintain a chaplain, who was to pray for his soul and that of his spouse.

This John Tavie, in 1348, left a very considerable estate to the support of St. Andrew's Church, in Holborn, the value of which has so much accumulated, that, from the profits of it, the present church is reported to have been principally rebuilt in 1670.

In the reign of Edward VI., one Gregory Nicholls, citizen and mercer of London, being possessed by inheritance of the property of this mansion, granted it in the fourth year of the same prince to the benchers of Lincoln's Inn for the use of students of Law; which society soon afterwards constituted it one of their Inns of Chancery, and rested the government in a principal and fellows, who were to

pay as an acknowledgment to the mother house, the annual rent of £3 6s. 4d.

By the ancient orders of this society, the members of Thavie's Inn were to be ten days in commons in *issuable* terms, and in the rest of the terms a week, and were allowed the same privileges for the admission of students into Lincoln's Inn as were enjoyed by the members of Furnival's Inn.

FURNIVAL'S INN.

Furnival's Inn is first noticed as a law seminary in its steward's account-book, written about the ninth of King Henry IV., and derives its name, like most of the other Inns, from its original occupants, who were the Lords Furnival. This noble family was extinct in the male line in 6th Richard II.; some time before which period this Inn was demised to the students of the law, as is evident from the above circumstances; but the precise date of its establishment as a school of legal education is, like that of all other Inns, involved in obscurity.

By Joan, the daughter and heir to William, Lord Furnival, in the time of the former monarch (Henry IV.), the inheritance of Furnival's Inn came to Thomas Nevill, younger brother to Ralph, Earl of Westmoreland; and by Maude, sole daughter and heir to the Thomas and Joan, it afterwards descended to John Talbot, Earl of Shrewsbury, in consideration of £100, by his deed, bearing date the 16th day of December, 1st Edward VI., sold it to Edward Griffin, Esq., then Solicitor-General to

the King, William Ropere, and Richard Heydone, Esqs., and their heirs, to the use of the Society of Lincoln's Inn; which sum of £120 (the purchase-money) was paid out of the treasury of that society, and is entered in their register.

The principal and fellows of Furnival's Inn, to whom a lease was granted by the Society of Lincoln's Inn, were to pay yearly £3 6s. 4d., as appears by the accounts of that house, and by special orders there made, they were allowed several privileges as follows :

First, in the 10th Elizabeth it was ordered that the utter barristers of Furnival's Inn, of a year's continuance, and so certified and allowed by the benchers of Lincoln's Inn, should pay no more than four marks apiece for their admittance into that society.

The following year a like order was made, that every fellow of this Inn, who had been allowed an utter barrister here, and that had mooted here two vacations at the utter Bar, should pay no more for their admissions into the Society of Lincoln's Inn than 13s. 4d.; though all utter barristers of any other Inn of Chancery, excepting Thavie's Inn, should pay 20s.; and that every inner barrister of this house, who had mooted here one vacation at the inner Bar, should pay for his admission into this house, but 20s., those of other houses (excepting Thavie's Inn) paying 26s. 8d.

Also, when by an order made at Lincoln's Inn, in 27th Elizabeth, the admission of the gentlemen

of this house and Thavie's Inn into that society was raised to 40s., those of other Inns of Chancery were strained to five marks; and in 36th of Elizabeth those of this house had so much further favour, that they might, after their admittance into Lincoln's Inn, stay two years in this Inn of Chancery, paying their pensions during those two years, and that they should be discharged of casting into commons, and of all vacations and charges of Christmas, during the time of their stay here for those first two years.

Amongst other rules and orders hung up in the buttery of Lincoln's Inn, were the following mootings of this society, and those of Thavie's Inn:—

“In the Reading.

“Mootes in Furnival's Inne,

every Munday, Tuesday and Thursday; and in Thayve's Inne, every Tuesday, Thursday, and Saturday, during the reading; but no exercise after the Reader's Feast.”

This Inn of Chancery is situated in Holborn between Brook Street and Leather Lane; it occupies a very considerable plot of ground, and is divided into two squares or courts. The first, towards Holborn, is of a good width, but shallow, and built round on the four sides. The second, or *Inner Court*, extends the depth of great part of Brook Street, and has chambers on one side only; the buildings of both are in a sad state of decay, and appear to be very much neglected.

The date of this Inn, that is to say, of the build-
in 27th Elizabeth, the admission of the gentlemen

in point of age than most of the other Inns of Chancery, but whatever it may gain in this respect, it most certainly loses in neatness and convenience, for it is, without exception, the most dirty and desolate in its appearance, of the whole.

The street front is an uncommonly fine specimen of brick-work, being adorned with pilasters, mouldings, and various other ornaments, and extends a considerable length. It contains a range of very good chambers, and beneath a handsome arched gateway leading to the interior parts of the Inn. It appears to have been erected about the time of Charles II.

The hall is seen on entering the gateway, but its aspect is by no means calculated to make a favourable impression on the spectator. It is a low, plain brick building, with a small turret, and two large projecting bow windows at the west end, and is, like the rest of the Inn, in a most neglected state. The north side of it, on passing through the passage or entrance to the Inner Court, with a small range of old chambers that adjoins, and whose fronts are plastered in the cottage style, have a singularly rustic appearance, and bear a much greater resemblance to a country village than a London Inn of Chancery. |

The interior of this hall is the best; and, if not handsome, has at least some pretensions to antiquity; a circumstance which, combined with the probability of its being soon destroyed, has made it thought worth preserving by a plate. Its dimen-

sions are 40 feet by 24. The roof is of timber, arched, and divided into panels by ribs springing from the sides; but it is very plain and poor, compared with others of a similar kind. The floor at the upper end of the hall is raised a step for the principals, as at the Middle Temple, etc. It has in like manner a fire-place in the midst, and the same disposition of tables and benches; but they have no appearance, nor the hall itself, of being often used.

In the windows of this room are a few armorial bearings; it likewise contains portraits of Lords Raymond and Pengelly.

Thomas Fiddel, of Furnival's Inn, gentleman of one of the attorneys of the court of common pleas, was author of a book entitled, "A Perfect Guide for a Studious Young Lawyer, Being Precedents for Conveyancing." The first edition, containing his portrait, was published in 4to, in 1654.

This society were governed by a principal and twelve ancients; and the members of the house, according to the old constitutions, were to be in commons a fortnight in every term, or pay two shillings per week if absent.

Their arms are, argent a bend between six mantlets, gules within a border of the second.

The whole of this Inn, it is reported, is soon to be pulled down.

STAPLE INN.

Staple Inn is traditionally reported to have been called "Staple Hall," and to have been anciently

a sort of exchange or meeting place for the wool merchants, or staplers.

In the reign of Henry V., however, and probably before, it had become an Inn of Chancery, the society still possessing a manuscript of the orders and constitutions made at that period. It was then held by lease (for the first grant of the inheritance of it to the ancients of Gray's Inn, from John Knighton and Alice, his wife, daughter of John Chapwood, was by indenture of bargain and sale, dated 10th November, 20th of Henry VIII.); after which there were other feoffments made. For, upon the 4th day of June, 20th of James I., Sir Francis Bacon, Knight, then Lord Verulam, and Viscount St. Alban, did enfeof Sir Edward Moseley, Knight, Attorney of the Dutchy of Lancaster, Sir Henry Yelverton, and others, the ancients of Gray's Inn, of this seminary, by the name of "All the messuage or Inn of Chancery, commonly called Staple Inne, and one garden thereunto adjoyning, with all and singular their appurtenances, in times past belonging to John Knighton, gentleman, and Alice, his wife, situate in the parish of St. Andrew's, Holberne, in the suburbs of London; which messuage, etc., the said Francis, Lord Verulam, lately had, together with Lord Brograve, Esq., Attorney to Queen Elizabeth, of the Duchy of Lancaster, Richard Munger, William Whyskins, and others, then deceased, of feoffment of Sir Gilbert Gerard, Knight, then Master of the Rolls, Ralph Brereton, Esq., and William Porter, gentleman; as by their

said deed, dated 18 Maii, 32nd of Elizabeth, more fully appeareth, to have and to hold to the said Sir Edward Moseley, and others, their heirs and assigns, to the only use and behoof of the same Edward, Henry, and their heirs, and assigns for ever."

This Inn stands on the south side of Holborn, nearly opposite Gray's Inn Lane, and is one of the two Inns of Chancery belonging to Gray's Inn. It consists of two large courts surrounded with buildings. Great part of the second court was rebuilt in the early part of the last century, and contains a small garden, pleasantly laid out. The first court, adjoining Holborn, and particularly the street front, is of a much greater age. The latter extends a considerable length, and has a very antique but decayed appearance. From the fashion of the stone-framed windows at the back of the building, it must at least be as old as the time of Queen Elizabeth, and may possibly have been built much earlier.

The hall of this Inn, which divides the two squares, is a modern erection, at least it does not appear equally ancient with some of the other buildings. It contains, on the outside, a clock and a small turret. The interior forms a large handsome room, and is neatly kept.

In the windows are a few coats of arms of former members or benefactors. The hall likewise contains some portraits of no particular interest, and casts of the twelve Cæsars, on brackets.

BERNARD'S INN.

Bernard's Inn is situated at a small distance from Staple Inn, in the same street. It likewise consists of two courts surrounded by chambers, but inferior to the latter in size. The buildings, however, are handsome and convenient, the whole having been but lately rebuilt.

The hall of this Inn is a very small room. It contains a few portraits of eminent law characters, and two busts. The windows are likewise decorated with armorial bearings. In the second square is a small neat garden, railed round, and a thoroughfare to Fetter Lane.

Bernard's Inn was anciently called Mackworth Inn, and was given by Thomas Atkins, citizen of London, one of the executors of John Mackworth, Dean of Lincoln, in 32nd of Henry VI., to the Dean and Chapter of Lincoln, and their successors for ever, to find a Chaplain to celebrate Divine Service in the Chapel of St. George, within the Cathedral Church of Lincoln, where the body of John Mackworth lies buried.

It is called in the record the *Second* Inn of Chancery, belonging to the above Dean and Chapter, and was founded by inquisition in the Guildhall of London, before J. Norman, Mayor of the King's Escheator: "The jury said, that it was not hurtful for the King to license Thomas Atkins, citizen of London, one of the executors of John Mackworth, Dean of Lincoln, to give one messuage in Holborn, in London, with appurtenances, called Mackworth's

Inn, but then commonly known by the name of Bernard's Inn; but that the same right be given to the Dean and Chapter of Lincoln, to find one sufficient Chaplain to celebrate Divine Service in the Chapel of St. George, in the Cathedral Church of Lincoln, where the body of the said John is buried; to have and to hold the said messuage to the said Dean and Chapter, and to their successors for ever, in part of satisfaction of £20 lands and rents, which Edward III. licensed the said Dean and Chapter to purchase to their own use, either of their own fee of tenure, or of any other, so the lands were holden of the King *in capite*."

The government of Bernard's Inn was vested in a principal and twelve ancients, besides the gentlemen of the house, who were obliged to be in commons a fortnight, two terms, and ten days, the other terms, for which they paid five shillings per week if absent. Their dress in commons was like the rest of the Inns, consisting of long robes and knit caps. Mootings were discontinued among them for some time before they were left off by the other Inns.

The armorial ensigns of this Inn are, *Party per pale indented ermin, and sable a chevron frettee or and gules.*

CHAPTER VIII.

SERJEANT'S INNS.

BESIDES the Inns of Court and Chancery, there have been from very remote antiquity other Inns, or *hostels*, as they were called, appropriated to the use of the judges of the King's Bench, Common Pleas, Barons of the Exchequer, and Serjeants-at-Law. Two of these are still remaining, the one situated in Chancery Lane, the other in Fleet Street. A third Serjeant's Inn stood in Holborn, called Scroop's Inn, which has been long destroyed. Of these, as a sort of appendages to the other Inns, a few brief notices are necessary, as well as some account of the dignity of Serjeant-at-Law itself.

SERJEANT'S INN, CHANCERY LANE.

This Inn consists of two small courts, surrounded by the judges' chambers, which are spacious and handsome rooms. The principal entrance is from Chancery Lane, and fronts the hall; the second court communicates with Clifford's Inn, by means of a small passage. The whole of the buildings are modern, and the work of the last century, the only part of them that merit notice are the hall and the chapel.

The ascent to the hall is by a very handsome flight of stone steps and a balustrade. It is built

of brick, with stone cornices, and ornamented in front with a handsome pediment, surmounted by a turret and clock. The inside is not large, but forms a well-proportioned apartment, and the windows, like those of most of the other halls, are decorated with armorial bearings in stained glass. The chapel is a small neat edifice, with seats for the judges, but in no ways remarkable.

The Inn did not attain its present name of "Serjeant's Inn" till about the year 1484, previous to which it was called "Faryngdon's Inn," in Chancellor's Lane; and still earlier it was mentioned as "Tenementum domini Joh. Skarle." In 1401 it is called Hospicium domini Joh. Skarle, but in 1411 it was called Faryndon Inne.

It is probable that the Serjeants-at-Law had lodgings here at this time, for within three years afterwards the Bishop's bailiff accounts for the repair of Askham's Chamber, by which it seems the lodgings were let apart. Besides this Walter Askham, there was about this time one Robert Askham, Serjeant-at-Law, who was of council to the Bishop of Ely.

In 2nd of Edward VI. T. Goodrick, then Bishop of Ely, by a lease bearing date 17th December, demised it to Chr. Fulnetty, his brother-in-law, for LXXVI. years; which lease, coming by mean assignment to Sir Anth. Ashley, Knight, and then by surrender to Bishop Felton, that Bishop granted it to the said Anthony for three lives (viz., of Philippa, then his wife, afterwards married to Carey Rawley, Esq., and two of his servants).

SERJEANT'S INN, FLEET STREET.

This Inn retains its ancient name, but is at present little more than a mere private court, having been deserted by the judges on the buildings of the old Inn falling to decay. It adjoins the north-east corner of the Temple, with which it has a communication by means of a narrow passage; but the principal entrance is from Fleet Street, where there are handsome iron gates, and was formerly a lodge, and a porter kept.

This place was a residence of the Serjeants-at-Law, at least as early as the reign of Henry VI., and apparently before, for in the year 1442 it was demised. The lease was granted by the Dean and Chapter of York, whose estate it then was (and possibly now is), to one William Antrons, citizen and taylor of London, for eighty years, at the rent of ten marks a year. This person is supposed to have been a sort of steward to the judges, and to have occupied some part of the mansion himself; for in a second lease, afterwards made to John Wykes, by the same Dean and Chapter, for the like rent and term, it is expressly stated that the said John Wykes inhabited therein.

The ancient Inn having been burnt down in the fire of London, on the lease being renewed by the Dean and Chapter in 1670, the whole was rebuilt by a voluntary subscription of the Serjeants, which subscription was to be repaid by a particular mode agreed on among themselves. The chapel, hall, and kitchen were erected with the overplus of a sum

of money deposited by seventeen new-created Serjeants, after deducting about £400 for their feast. The whole Inn has been again rebuilt within these few years, and on the site of the ancient hall (which was long used as a chapel), the Amicable Society have lately erected a very elegant building for the transaction of their business, which is a great ornament to the place.

SCROOPE'S INN.

Scroope's Inn was an Inn for Serjeants at the law in the time of Richard III. It took its name from having been once the town house of the Lords Scroope, of Bolton, as appears by the ancient accounts of the bailiffs to the Bishops of Ely.

By an inquisition taken the 13th of October, 14th of Henry VII., it appears that Sir Guy Fairfax, Knight, a judge of the King's Bench, and then deceased, was seised of the same by the name of one messuage or tenement, called Serjeant's Inn, situate in Holborn, opposite to St. Andrew's Church, with two gardens and two cottages thereto adjoining; and being so seised, by his deed indented, bearing date the 8th February, 9th of Henry VII., did pass the same to Sir John Scrope, Knight, Lord Scrope of Bolton, and others, to the use of the said John, his heirs and assigns for ever.

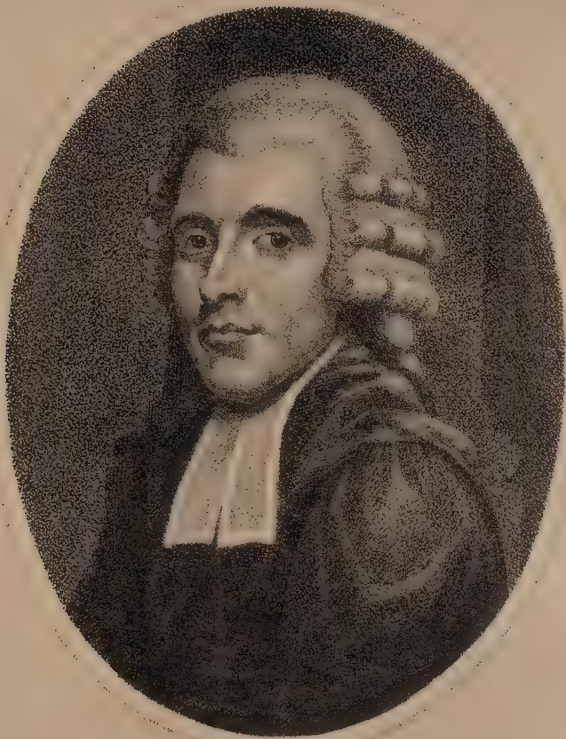
The site of this Inn is now called "Scrope's Court."

CHAPTER IX.

THE BAR OF SCOTLAND.

A SCOTSMAN, Thomas, Lord Erskine, was probably the greatest forensic orator that has so far appeared in the history of Great Britain. Erskine should be canonized because of the vigorous and dignified stand he always took for the righteousness and independence of the Bar. He did not believe that because a man had a wig on his head and a gown on his shoulders he was licensed to do for a few guineas what a layman would think it infamous and wicked to do for an empire. This king of lawyers forfeited royal favour and the office of Attorney-General in order to defend that patriot of the whole world, Thomas Paine. Lord Erskine was the greatest master of logic and eloquence that ever pleaded in the English language. His strength lay in the keenness of his reasoning faculty and in the marvellous dexterity with which he disentangled complicated masses of evidence, and above all, in his unrivalled power of fixing and commanding the attention of juries.

Scotsmen act such a large part in the affairs of the British Empire, in statecraft, law and literature, that any treatise upon the Inns of Court which failed to tell something of the Scottish College of



J. Chapman Sculp.

The Honorable Thomas Erskine.

Justice and of the Faculty of Advocates in Edinburgh would be incomplete.

The word *advocate* is used technically in Scotland in a sense virtually equivalent to the English term barrister; and a derivation from the same Latin source is so used in most of the countries of Europe where the civil law is in use.

The *advocatus* of the Romans meant, as the word implies, a person whose assistance was invoked. When it came to be applied with a specific limitation to legal services is uncertain. The *advocatus* of Rome was of inferior grade to the *juris-consultus* who gave his opinion and advice in questions of law, and may be compared with the consulting counsel of the present day.

The Faculty of Advocates is the collective term by which the members of the Bar are known in Scotland. This corporation corresponds with the Inns of Court in London, and the King's Inns in Dublin.

The constitution of the Faculty differs in many respects, however, from the English and Irish societies. There is no resemblance to the quasi-collegiate discipline and the usages and customs prevailing in an Inn of Court. There is no governing body similar to the benchers. The chief officer is elected by a general vote of the whole Society of Advocates, and is called the Dean of Faculty.

The Faculty of Advocates was undoubtedly fashioned on the model of the French Corporation of Avocats. No curriculum of study, residence,

or professional training was, until 1856, required in order for one to become a Scotch advocate; but the Faculty always had the power of rejecting candidates for the Bar.

Since 1856 the candidate is required to undergo two private examinations, the one in general scholarship, in lieu of which, however, he may produce evidence of his having graduated as Master of Arts in a Scottish university, or obtained an equivalent degree in an English or foreign university; and the other, at an interval of a year, in Roman, international, and Scots law. He must, before the latter examination, produce evidence of attendance at classes of Scots law and conveyancing in a Scottish university, and at classes of civil, international and constitutional law and medical jurisprudence in a Scottish or other approved university. He has then to undergo the old academic form of the public impugnement of a thesis on some title of the pandects; but this ceremony, called the public examination, has degenerated into a mere form.

A large proportion of the candidates' entrance fees, amounting to £339, or, approximately, \$1,450 in the currency of the United States or Canada, is devoted to the splendid library belonging to the Faculty which is situated in Edinburgh, and is the best in Scotland.

Scotch advocates as such have no right to appear as counsel in the courts of England, Ireland, or Wales, but have a right to plead at the bar of the House of Lords in appeals from Scottish tribunals;

and in similar appeals they are permitted to act as counsel before the Judicial Committee of the Privy Council. In like manner an English or Irish barrister, as such, has no right to appear as counsel in a Scottish court. The London or Dublin barrister seeking admission to the Scottish Bar must go through the regular course prescribed by the Faculty of Advocates.

Though Scotland is an integral part of the United Kingdom, its law differs widely from that of England. The courts which administer it are located in Scotland, and the judicial system is entirely different from the English. The common bond between the courts of law in England, Scotland, and Ireland (for Ireland has separate courts, and to some extent a different law), is the House of Lords, sitting as appellate tribunal, at Westminster. In deciding appeal cases, of course, it administers English, Scotch, or Irish law, as the case may be. The influence, however, of one strong court, generally composed of the ablest and most experienced lawyers of the time, dealing with systems of law often alike in their principles, and differing only in the mode in which they are applied, tends to harmonize the law of the United Kingdom, and prevent unnecessary divergence in developing principles that are common to all. Commercial law being comparatively modern, and having been developed very much since the union of England and Scotland, is in substance the same in both ends of the island. But on the subject of

land rights, the domestic relations, wills, and succession, etc., they vary immensely. A thorough assimilation of the laws of the United Kingdom cannot be looked for from the self-acting power of a tribunal, however strong, dealing with individual cases. It would imply a sacrifice of the private interests of litigants. What is required, therefore, is that the legislature should effect a comprehensive scheme of assimilation, not consisting of the absorption of the law of one territory in that of another, but of the judicious selection of what is best in all. It will be an arduous undertaking, well worthy of the labour and ambition of the greatest legal minds of the United Kingdom.

But we do not intend to speculate on the future. The subject was naturally suggested by the existence and functions of the British House of Lords—the common appellate *forum* not merely of England, Scotland, and Ireland, but of all the colonies and dependencies of the British Crown. We may notice in passing, that it was not without a struggle that the House of Lords, whose legal wisdom is now so universally and justly esteemed, was fully recognised as the court of last resort. Since the beginning of the fourteenth century the House of Lords has been in use to review the decisions of the English courts of law, on questions of law—but it was only at the end of the seventeenth century that their right to review judgments of the Courts of Chancery was conceded. In 1675-76 there was an angry and protracted discussion between the House

of Lords and House of Commons, in a case in which a litigant appealed against a judgment of the Court of Chancery, a member of the lower house having been the successful respondent. The latter, on the calling of the appeal, appeared in the House of Lords, and craved time to lodge his answer. For this offence the House of Commons committed him to prison, and they also arrested the appellant; but the House of Lords granted him protection. Conferences between the houses followed. The counsel for the appellant were twice committed to prison by the House of Commons, for having subverted and betrayed the liberty of the subject, and the privilege of Parliament; and twice liberated by the House of Lords, who declared the interference illegal and arbitrary, and a transcendent invasion of the liberty of the subject. To quiet the combatants the King had to dissolve Parliament, and the appellant was dissuaded, after a time, from prosecuting his appeal. Though the House of Lords was defeated in the individual case, there seems to have been a tacit understanding in favour of their claim, for subsequent appeals were never after opposed.

In Scotland, likewise, in 1674, an appeal from a judgment of the Court of Session, the supreme court in Scotland, was laid before the Scots Parliament; the crowns of England and Scotland had by this time been united, but the parliaments were still separate. The Court of Session protested and appealed to Charles II., who replied by expressing his "abhorrence of appeals," and peremptorily for-

bidding them, and ordering that any advocate who refused to disown them should be disbarred. This sentence was carried out on the advocates who had advised the appeal in question, and refused to disclaim it. Fifty other advocates who refused to take the oath tendered to them on the subject by the court were also disbarred, and all were banished from Edinburgh at the instance of the Crown. Ultimately they were obliged to submit, but at the revolution in 1688, the right of appeal was asserted and conceded. At the union of the parliaments in 1707, the appeal was transferred from the Scots Parliament to the British House of Lords, and has ever since been exercised by them.

The British Constitution is full of anomalies, one of which is that this House of Lords, a hereditary chamber of notables, is the supreme legal tribunal of the Empire. In theory, the whole house adjudicates, but, of course, the only members who take part in the decisions are the "Law Lords," i.e., the Lord Chancellor and the Ex-Lord Chancellors, with any other peers who have held high legal appointments—usually forming a bench of three or four members. The supreme appellate tribunal in ecclesiastical cases, and in appeals from the colonies, is the judicial committee of the Privy Council, composed partly of law peers and partly of retired judges from the Home or Colonial Bench.

The House of Lords is, as above mentioned, the court of last resort for Scotch cases, the supreme tribunal of Scotch law, and yet composed almost

exclusively of English lawyers—another anomaly, which, however, has been found to work well; for the appellate jurisdiction of the House of Lords has confessedly been of great benefit to Scotch law.

CHAPTER X.

THE KING'S INN.

THE official law school of Ireland is known as the King's Inn, and is situated in Dublin. This society corresponds closely to the Inns of Court in England, and has similar regulations with regard to the admission of students, although in Ireland no final examination is required for call to the Bar.

Of the twelve terms required to be kept, however, by a student four must be spent at an Inn of Court in London, admission to which is obtained in the usual manner, but exempt from stamp duty, on the certificate of the under-treasurer, that such duty has been paid in Ireland.

Until lately two years were required to be thus passed in London, the stipulation dating as far back as the reign of Henry VIII.

Down to 1866 the course of education pursued at the King's Inns differed from the English Inns of Court, in that candidates for admission to the legal profession as solicitors carried on their studies with those aspiring for the higher rank of barrister in the same building, under professors specially appointed for this purpose, herein following the usage anciently prevailing in the Inns of Chancery in London. This method of legal study was put an end to by the statute 29 and 30 Victoria, chapter 84.



JOHN PHILPOT CURRAN.

The origin of the King's Inns has been traced back to the reign of Edward I., when a legal society, designated Collett's Inn, was established ; but being situated without the walls of the city, the Inn was destroyed by an insurrectionary band.

In the reign of Edward III., Sir Robert Preston, Chief Baron of the Exchequer, gave up his residence within the city to the legal body, which then took the name of Preston's Inn, where for two centuries the study of the law was pursued and a collegiate discipline maintained.

In 1542 the land and buildings known as Preston's Inn, were restored to the family of the original donor, and in the same year Henry VIII. granted the monastery of Friars Preachers for the use of the professors of the law in Ireland. In consequence of this grant the legal body removed to the new site, and ever since have been known by the name of the King's Inns.

Possession of this property having been resumed by the Government in 1742, and the present four courts erected thereon, a large space of ground at the top of Henrietta Street was purchased by the society, and the existing hall built in the year 1800.

The library, numbering over 50,000 volumes, with a few MSS., is available not only to members of the society, but also to strangers upon proper introduction.

In discipline and professional etiquette the members of the Bar in Ireland differ but little from their English brethren. The same style of official cos-

tume, the wig and gown is required, the same gradations of rank exist. Such is their order of importance, Attorney-General, Solicitor-General, King's Counsel, and ordinary barristers.

There are also sergeants-at-law, limited, however, to three in number, and designated, 1st, 2nd, and 3rd sergeant.

The King's Inns do not provide chambers for business purposes; there is, consequently, no aggregation of barristers in certain localities, as in the case in London in the Inns of Court and their immediate vicinity.

CHAPTER XI.

ANCIENT WALES.

WALES has no system of judicature distinct from England, as Scotland, Ireland, and the Isle of Man have. The Welsh barrister is called to the Bar like his English brother, by some one of the four ancient Inns of Court in London.

Wales is principally interesting to us at this time because it gave to the United States of America Thomas Jefferson, its third President, who solemnly and prophetically warned the American people of the dangers of judgcraft to a free commonwealth; and because two Welsh judges, George Jeffreys and John Bradshaw are remarkable illustrations of the wisdom of Thomas Jefferson's words.

George Jeffreys, whose mental strength cannot be denied, became Lord Chief Justice of England before he was forty years of age. He presided at the trials of the noble Algernon Sydney, the despicable Titus Oates, and the saintly Richard Baxter.

Like many judges who have followed him, some of whom are now on the bench of the British Empire, and the United States of America, "Bloody Jeffreys" was notorious for his barbarous and excessive sentences.

A judge may earn an honourable place in history

by such learning, wisdom, and righteousness as distinguished Sir Matthew Hale, but such a road to fame is too long for some judges to travel, even if they could. They have noticed that the most obscure, addle-pated and illiterate member of the judiciary can quickly attain world-wide notoriety by being unusually and unnaturally savage in disposition and judgment.

The gentle, humane student on the bench may rarely see his name in print, but the judicial monster who will send a hungry child to prison for stealing a penny loaf of bread will often see his portrait in the newspapers.

I often wonder how some of these "hanging" judges sleep at night. I have been interested in studying the history and general make-up of various types of judges, and feel justified in stating that the judge who is generally advertised for the severity of his sentences is a man who, before reaching the bench, was a pettifogger of the Uriah Heep school, and now wears the cloak of judicial savagery to hide his own criminal and craven character.

Judge Jeffreys died where he should have lived, in prison, in the 41st year of his age.

John Bradshaw was the judge who presided at the trial of Charles I., and signed that king's death warrant in 1649. Milton says of Bradshaw: "All of his early life he was sedulously employed in making himself acquainted with the laws of his country; he then practised, with singular success, at the Bar." Notwithstanding his learning and forensic

ability, Judge Bradshaw was a precious scoundrel who earned the degradation of being disinterred from Westminster Abbey and being hanged in his coffin.

No punishment or degradation is too severe for the man who prostitutes the office of judge.

CHAPTER XII.

BARRISTERS.

IN order to become a barrister a person must pass certain examinations held by the Council of Legal Education, and keep twelve terms either at Lincoln's Inn, the Middle Temple, the Inner Temple, or Gray's Inn, which are called Inns of Court. There are four terms in each year. Terms are kept by dining in the hall of one of the Inns on six days during each term, but members of the Universities need dine only on three days during each term. After qualifying in this way he can be called to the Bar, provided there is no objection on the ground of his character. The total fees payable amount to about £140. A woman cannot be a barrister. A solicitor of five years' standing may become a barrister without keeping terms, but he must pass the prescribed examinations. Full information as to the examinations and other matters connected with calls to the Bar can be obtained at the offices of any of the Inns of Court. If a barrister is guilty of a serious offence he may be disbarred. Only barristers can plead in certain courts, but the litigant can always appear on his or her own behalf. A barrister cannot sue for his fees, nor can he be sued for negligence or incompetence. There are two classes of barristers, King's Counsel, commonly called K.C.'s,

and junior counsel. The King's Counsel wear silk gowns and sit on the front bench in the Court, whereas the junior counsel wears stuff gowns and sit on the rear benches. In most cases a King's Counsel cannot appear unless a junior counsel is also briefed. The junior usually receives a fee equal to about two-thirds of the K.C.'s fee. A K.C. cannot appear in a criminal case unless he first obtains the consent of the Crown to do so. This is usually granted as a matter of form. Some K.C.'s are known as specials. A special is a K.C. who will not go into any court, except the Court of Appeal, House of Lords, or Privy Council, unless he receives a special fee of fifty guineas in addition to the fee on his brief. Counsel have very extensive powers in the conduct of their clients' cases, but it has recently been held that a counsel has no power to compromise a case contrary to his client's instructions. Counsel's fees are reckoned in guineas, but in addition to the fee a percentage is paid to the counsel's clerk. A K.C. receives two guineas for a consultation and a junior one guinea. If a client desires to retain the services of any particular counsel he can do so on payment of the prescribed fee, unless the counsel has already been retained by or advised the other side. Refreshers are fees paid to counsel in respect of their services during the second or any subsequent day of the hearing of a case. Refreshers vary in amount in accordance with the importance of the case and the eminence of the counsel. Counsel cannot accept instructions direct

from the litigant. They must pass through a solicitor, but the judges frequently request counsel to defend poor prisoners. A conveyancer or conveying counsel is a barrister who devotes himself to drawing deeds and other documents.

CHAPTER XIII.

SOLICITORS.

HOW TO BECOME A SOLICITOR.—In order to become a solicitor a person must be articled or apprenticed to a solicitor for five years, but in the case of persons who have passed certain examinations, three or four years are sufficient. In most cases solicitors must pass three examinations—the preliminary, the intermediate, and the final. The total fees payable amount to about £130.—The examinations are held by the Law Society, whose offices are situated in Chancery Lane, London, where all information regarding term of articles and examinations can be obtained gratis. Most solicitors charge a premium for taking an articled clerk. The amount of the premium varies, but it is usually anything from one hundred to four hundred guineas. An articled clerk rarely receives any salary, so that his parents have to keep him during the period of his articles.

SOLICITOR'S COSTS.—A solicitor cannot charge what he likes for professional work. He can only charge in accordance with the recognized scales. There are different scales for different classes of business. A solicitor may make a special agreement with his client as to his remuneration, but the agreement must be reasonable and it must be in writing

and signed by both the solicitor and the client. The client may, however, enforce a verbal agreement. If it relates to contentious business it must be submitted to a taxing master for approval before the solicitor can receive anything in pursuance of the arrangement. The scale of conveyancing costs is given below. For ordinary attendances in general business a solicitor is entitled to charge anything from 6s. 8d. to £1 1s., according to the importance of the business and the time occupied. Before a solicitor can recover his costs from his client he must deliver a signed bill, or a bill accompanied by a letter signed by the solicitor. The solicitor cannot take any action until one calendar month after the bill has been delivered, unless he has good reason to think that his client is about to leave the country, become bankrupt, compound with his creditors, or take other steps to avoid payment. In any of these cases, the solicitor can apply to the Court for leave to take proceedings before the expiration of the month. A client can take proceedings for the purpose of compelling his solicitor to deliver his bill. A client is entitled on payment of his solicitor's costs to delivery of all the papers and correspondence in the solicitor's possession relating to the client's business. A client can tax his solicitor's bill if he considers it exorbitant; but in the absence of fraud or special circumstances, a bill cannot be taxed after payment, or after it has been delivered for twelve months. If one-sixth is taxed off the bill the solicitor must pay the costs of the

taxation. If less than one-sixth is taxed off, the costs must be paid by the client. Some people hold very unreasonable views regarding lawyers' bills. The public notion of the profits made by solicitors is much exaggerated, and many clients soon forget the amount of time and trouble bestowed upon their business by their legal advisers. An examination of solicitors' bills will show that in most cases, the out-of-pockets for counsel's fees, witnesses' expenses, etc., form the chief items. A solicitor's bill should be accompanied by a cash account, showing the moneys received and disbursed by him on behalf of his client.

NEGLIGENCE.—A solicitor must use reasonable care and skill in the transaction of his client's business. If he does not do so, he will be liable to the client in damages. A solicitor is not, however, liable if he gives a wrong opinion upon a doubtful point of law. A solicitor would be liable in respect of any matters of the following description: *e.g.*, if he neglected to deliver a pleading in an action within due time, or failed to attend Court on the hearing of an action, or failed to brief counsel, or allowed his client to take an assignment of a lease which could not be assigned without the landlord's consent, without seeing that this formality had been observed, thus rendering the lease liable to forfeiture.

PRIVILEGED COMMUNICATIONS TO SOLICITORS.—Statements made by a client to a solicitor are privileged, *i.e.*, the solicitor cannot be compelled to dis-

close them should he be examined as a witness. Solicitors do not exist, however, for the purpose of enabling their clients to commit frauds, and if a client who has committed or is about to commit a criminal act consults a solicitor in regard to the same the statements made by the client to the solicitor will not be privileged, *e.g.*, if a client having committed a crime consults a solicitor for the purpose of ascertaining which countries have entered into extradition treaties with Great Britain, the statements made by the client to the solicitor will not be privileged.

PURCHASES BY SOLICITORS FROM THEIR CLIENTS, ETC.—If a solicitor purchases his client's property he must be prepared to prove that he gave a proper price for it, and that the client fully understood the nature of the transaction.

MISCONDUCT ON THE PART OF SOLICITORS.—Solicitors are officers of the Court, and any solicitor who is guilty of unprofessional conduct will be suspended or struck off the Rolls. Very properly, charges of misconduct against solicitors are in the first instance heard by a committee of the Law Society, who make a report to the Court if they are of opinion that the solicitor should be punished as above described. If the committee decide that the solicitor has not been guilty of misconduct, the person making the charge can review the committee's finding before the Court. The Court will on a summary application direct a solicitor to pay over his client's money or to deliver up his client's deeds.

If the order is not complied with the solicitor may be committed to prison for contempt of Court.

LAWYER'S LETTERS TO DEBTORS.—When writing for the payment of a debt a solicitor usually demands 3s. 6d. or 5s. for the costs of the letter. The debtor is under no obligation to pay this amount, and if he tenders the debt the creditor or solicitor must accept it. If it is declined the creditor will be unable to recover any costs against the debtor in an action to recover the debt, but the debtor must pay the amount into Court and plead tender.

CHAPTER XIV.

ACTIONS AT LAW IN THE HIGH COURT.

THE DIVISIONS OF THE HIGH COURT.—There are three divisions of the High Court of Justice—the Chancery Division, the King's Bench Division, and the Probate, Divorce and Admiralty Division. The Chancery Division deals with the administration of the estates of deceased persons, the administration of trusts, actions for the foreclosure or redemption of mortgages, partnership actions, actions for specific performance, the administration of the property of infants, the rectification of deeds, and certain other matters. The King's Bench Division deals with actions to recover debts and damages, actions to recover the possession of land, premises, or goods, applications for writs of mandamus and certiorari, questions relating to the revenue, appeals from County Courts, appeals from Justices at Quarter Sessions, etc. The Probate, Divorce and Admiralty Division deals with the grant of probate and letters of administration, divorces, salvage actions, actions for damages caused by collisions at sea, and other Admiralty actions. The High Court of Justice consists of twenty-two judges, six of whom are allocated to the Chancery Division, fourteen to the King's Bench Division, and two to the Probate, Divorce and Admiralty Division. The

President of the High Court is the Lord Chancellor, who receives a salary of £10,000 per annum. The Vice-President is the Lord Chief Justice, who receives a salary of £8,000 per annum. Each of the ordinary judges (technically termed puisne judges) receives a salary of £5,000 per annum. The central offices of the High Court are situated at the Royal Courts of Justice, Temple Bar, London, but there are various district offices, called district registries, which are situated in the large provincial towns. District registries are controlled by officials known as district registrars, who have practically the same powers as Masters of the High Court. The judges of the Chancery Division are assisted by twelve masters of the High Court (four masters being allocated to each two judges) and a staff of clerks, who take accounts and deal with other matters of detail. The judges of the Chancery Division are also assisted by registrars who draw up their orders, and by taxing masters who tax the costs of the parties. Certain of the business in the King's Bench Division is also transacted by masters of the High Court. Both in the Chancery and the King's Bench Division actions involving questions of account or intricate inquiries are frequently referred to officials known as official referees. The Court has also power to invoke the assistance of assessors or special referees having special knowledge of the questions in dispute. Certain business is transacted by what are known as "Divisional Courts" sitting in the King's Bench and Probate, Divorce and

Admiralty Divisions respectively. A Divisional Court is a Court composed of two or more judges.

THE COURT OF APPEAL.—The Court of Appeal consists of five Lords Justices, each of whom receives a salary of £5,000 per annum, and the Master of the Rolls, who receives a salary of £6,000 per annum. The Lord Chancellor, the ex-Lord Chancellors, the Lord Chief Justice, and the President of the Probate, Divorce and Admiralty Division occasionally assist the Court when any of the Lords Justices are absent through illness or otherwise. The Court of Appeal usually sits in two divisions, each consisting of three judges. One division deals with appeals from the King's Bench and Probate, Divorce and Admiralty Divisions, and the other with appeals from the Chancery Division. Cases of great importance are sometimes heard by six judges. Interlocutory appeals, that is, appeals from orders which are not of a final character, are sometimes heard by two judges.

SITTINGS OF THE HIGH COURT AND COURT OF APPEAL.—The Courts sit during four periods in the year, each of which is called a sitting. The sittings are as follows:—The Hilary Sittings, which commence on the 11th January and terminate on the Wednesday before Easter; the Easter Sittings, which commence on the Tuesday after Easter week and terminate on the Friday before Whit-Sunday; the Trinity Sittings, which commence on the Tuesday after Whitsun week and terminate on the 31st July; and the Michaelmas Sittings, which com-

mence on the 11th October and terminate on the 21st December.

ASSIZES—THE CIRCUIT SYSTEM.—At certain periods of the year the judges of the King's Bench Division travel round the country to try prisoners and to hear civil cases. These journeyings are known as "the Circuits." The sittings of the judges when they are away on circuit are known as the "Assizes." Assizes are held in each county, at the county town, under the superintendence of the High Sheriff. In some counties the Assizes are held three times a year and in others four times a year.

WRIT OF SUMMONS.—The first step in an action is a writ of summons commonly called a writ, which is prepared by the plaintiff's solicitor, or by the plaintiff personally if he is suing in person. It is then sealed, or, to use the technical term, issued by the Court on payment of the prescribed fee (ten shillings). A writ can be issued at the Central Office of the High Court, or at one of the District registries (*see above*). The form of a writ is as follows :—First appear the names of the plaintiff and defendant, then a command by the Crown to the latter to enter an appearance within a specified time, then the date, then a short statement of the nature of the plaintiff's claim, and lastly the name and address of the plaintiff's solicitor and the plaintiff's address.

SERVICE OF WRIT.—Subject to the exceptions hereafter mentioned, a writ must be personally

served by delivering a copy to the defendant, and showing him the original sealed by the Court, if he asks to see it. But the defendant's solicitor may give a written undertaking to appear on his behalf, in which event personal service will be unnecessary. The Court may make an order for what is known as substituted service upon a defendant who avoids being served. Substituted service consists of service by post, advertisement, or otherwise as the Court may direct in lieu of personal service. A writ against a firm may be served upon the person having the control of the partnership business for the time being. A writ against a limited company may be served by post. A writ cannot be served out of the jurisdiction of the Court without the Court's sanction, which will be granted in any of the following cases :—(1) Where the subject matter of the action is freehold or leasehold property situate within the jurisdiction. (2) Where any relief is sought against any person domiciled or ordinarily resident within the jurisdiction. (3) Where the action is for the administration of the personal estate of any deceased person who at the date of his death was domiciled within the jurisdiction, or for the execution of the trusts of a settlement relating to property situate within the jurisdiction. (4) Where the action is in respect of any alleged breach, within the jurisdiction, of any contract which according to its terms ought to be performed within the jurisdiction, unless the defendant is domiciled or ordinarily resident in Scotland or Ireland. (5) Where an injunction is

sought as to anything done within the jurisdiction. (6) Where any person out of the jurisdiction is a necessary party to an action properly brought against some other person duly served within the jurisdiction. In actions to recover the possession of vacant premises the writ, if it cannot be served otherwise, may be affixed to the door or some other conspicuous part of the property. If a writ is issued out of a district registry the defendant must appear in the registry if he resides or carries on business within the district, but he may subsequently remove the proceedings to London.

APPEARANCE.—The defendant has eight days, including the day of service, in which to appear. For example, if a defendant is served on a Tuesday he must appear on or before the succeeding Tuesday.

SUMMARY JUDGMENT ORDER 14.—If the plaintiff claims what lawyers call a liquidated amount, *i.e.*, an ascertained sum, or if he claims to recover the possession of premises on the ground that the defendant's term has expired by effluxion of time or notice to quit, or has become liable to forfeiture for non-payment of rent, he may indorse complete particulars of his claim upon his writ, and after the defendant has appeared apply to the Court for summary judgment. A writ indorsed as above described is called a specially indorsed writ. Unless the defendant satisfies the Court that he has a good defence, and that he has not appeared for the purpose of delay, the plaintiff will obtain leave to sign final judgment. The evidence on these applications is

usually taken by affidavit, but the defendant may give verbal evidence. The Court may give the plaintiff leave to sign judgment in respect of his claim, or may require the defendant to pay the whole or part of the sum claimed into Court as a condition to granting the defendant leave to defend. If the amount is paid in the action will proceed in the usual way, but if it is not paid in the plaintiff will be at liberty to sign judgment. Money paid into Court under these circumstances constitutes a fund out of which to the extent that he recovers the plaintiff will be first paid in the event of the defendant's subsequent bankruptcy before the trial. Procedure for summary judgment is often described as "Order 14" this being the rule of Court under which such proceedings are taken. In simple cases a plaintiff may obtain final judgment within thirteen days after service of writ.

JUDGMENT IN DEFAULT OF APPEARANCE.—If the defendant does not appear within the time limited for appearance the plaintiff may sign judgment in default of appearance, but in an action to recover possession of land in which there is more than one defendant the plaintiff cannot sign final judgment unless all the defendants fail to appear.

SUMMONS FOR DIRECTIONS.—In some cases the plaintiff must issue a summons for directions after the defendant has appeared. On the hearing of this summons directions are given by the Court as to the delivery of pleadings, discovery of documents

and interrogatories (*see* below), mode of trial and other matters.

PLEADINGS.—Pleadings are documents delivered by litigants to each other before the trial for the purpose of describing their respective claims and defences. Formerly pleadings were delivered in every action, but now the Court has a discretion, and cases may be tried with or without pleadings. On the hearing of the summons for directions, or application for summary judgment (*see* above), the Court decides which course shall be pursued. Pleadings are not sworn to by the parties delivering them. The following documents constitute the pleadings : (a) Statement of claim, which contains the details of the plaintiff's claim. (b) Statement of defence, which contains the details of the defendant's defence. (c) Counterclaim, which contains the details of any cross-claim which the defendant may have against the plaintiff. (d) Reply, which contains the plaintiff's answer to the statement of defence. (e) Defence to counterclaim, which contains the details of the plaintiff's defence to the defendant's counterclaim.

DISCOVERY OF DOCUMENTS AND INTERROGATORIES.—With the object of enabling the parties to prepare for trial, the Court will in a case of importance direct them to state on oath what documents they have and have had in their possession relating to the matters in question in the action, and also to answer on oath before the trial certain interrogatories or questions. If discovery is ordered each

party may inspect the documents in the possession of the other party, except such as are of a privileged character, *e.g.*, correspondence, etc., between a party and his solicitor, cases and opinions of counsel. It is obvious that in many instances discovery and interrogatories are very valuable for the purpose of enabling a party to prove his case, or to disprove the case of the other party. In an action to recover the possession of land or premises the defendant cannot in some instances be compelled to produce his title deeds for the plaintiff's inspection. The plaintiff must win on the strength of his own title, and not on the weakness of the defendant's.

PAYMENT INTO COURT.—A defendant who admits liability can and should pay the amount admitted into Court. If the amount paid in is sufficient the plaintiff cannot recover the costs of the proceedings subsequent to the payment in. Except in actions for libel or slander a defendant can pay money into Court and deny liability. If the plaintiff recovers no more than the amount paid in the defendant will be entitled to the costs of the proceedings after the date of payment in, whereas if the Court finds in favour of the defendant the amount paid in will be returned to him. Where money is paid into Court with a denial of liability the amount paid in is not communicated to the jury. Within a certain period after payment of money into Court the plaintiff may accept the amount, tax his costs, and conclude the proceedings.

TRIAL OF ACTION.—In the Chancery Division

actions are tried before a judge without a jury, but a chancery action may be referred to the King's Bench Division for trial with a jury. In the King's Bench Division in most cases the parties are entitled to demand a trial by jury. In actions of slander, libel, false imprisonment, malicious prosecution, seduction, or breach of promise of marriage, either of the parties may demand a special jury. In other cases a special jury may be granted at the discretion of the Court.

COUNTER CLAIMS AND THIRD PARTY NOTICES.—A counter-claim is a cross claim by the defendant against the plaintiff. A counter-claim may arise out of entirely different transactions, so long as the claim in the action and the counter-claim can be conveniently tried together. If the counter-claim relates to the transactions in question in the action the defendant may, if necessary, join any other person or persons as defendants to the counter-claim. If a defendant alleges that a third party is liable to indemnify him against the plaintiff's claim, he can join such third party to the proceedings by means of what is known as a third party notice.

APPEALS.—Final appeals must be brought within three months, and interlocutory appeals, *i.e.*, appeals relating to matters arising in the course of the proceedings, within fourteen days from the date of the order appealed from. Except in some special cases appeals to the House of Lords must be brought within one year. No appeal lies from an order allowing an extension of time for appealing from a

judgment or order, nor, without leave of the judge or of the Court of Appeal, from any interlocutory order except in certain specified cases. No appeal lies from an order giving unconditional leave to defend an action on an application for summary judgment under Order 14. Notices of motion for a new trial must be served within the times following : if the trial has taken place in London or Middlesex, within eight days ; if the trial has taken place elsewhere than in London or Middlesex, within seven days after the last day of the sittings on the circuits during which the trial has taken place.

NEW TRIALS.—The Court of Appeal has power to grant a new trial where it is shown that it would be unjust to permit the verdict to stand. New trials are usually granted on some one or more of the following grounds, viz. : (1) That the judge improperly admitted or rejected evidence ; (2) that the judge misdirected the jury on a point of law ; (3) that the damages are excessive (but the Court has no power to reduce the damages except by consent of both parties) ; (4) that the verdict was against the weight of evidence ; (5) that the witnesses committed perjury ; or (6) that the jury were corrupt. A verdict will not be set aside on the ground that it is against the weight of evidence unless it is a verdict which reasonable men should not have given. The question is not whether the judges of the Court of Appeal would have arrived at the same conclusion.

HOUSE OF LORDS APPEAL.—Theoretically, all peers are entitled to sit for the purpose of hearing

appeals, but in practice only the peers mentioned below take part in the judicial work of the House. An appeal cannot be heard unless there are present not less than three of the following high judicial officers, viz. :—(1) The Lord Chancellor. (2) The Lords of Appeal in Ordinary. (3) Such peers of Parliament as are for the time being holding or have held either of the following offices, viz. : Lord Chancellor ; a paid judge of the judicial committee of the Privy Council ; or a judge of one of His Majesty's Superior Courts of Great Britain and Ireland. A person cannot be appointed a Lord of Appeal unless he has held one of the high judicial offices above mentioned for a period of not less than two years, or is a practising barrister in England or Ireland, or a practising advocate in Scotland, of not less than fifteen years' standing. Each Lord of Appeal receives a salary of £6,000 per annum, and is entitled during his life to rank as a Baron, or such style as His Majesty may be pleased to appoint.

CHAPTER XV.

THE ENGLISH JUDICIARY.

WE are justly proud of our judges. The bench is the best and soundest of English institutions. Complaints may be heard of the machinery by which justice is administered, but these complaints resolve themselves into the allegation that the Courts have not time to get through all the affairs which ought to come before them. These complaints are therefore a testimony to the high character of the judges. What every suitor wants is that his particular case should be tried by a judge of the superior courts. It is common enough for the judge to insist upon a case being referred, but every suitor wishes to leave his case to the decision of the Court. No one, in fact, dreams of complaining that the judges are incompetent, for such a complaint would be obviously unreasonable. The bench are, as a body, the picked men of the legal profession. The Bar itself may need reform, but the judges represent the very best side of the Bar. Our judicial institutions are so arranged as to ensure that the best legal talent of the country shall be available for judicial duties; and more than this could not be achieved by any conceivable arrangement. The character again of

the bench is no less remarkable than their talent. They possess the virtues of incorruptibility, of impartiality, and of high-minded integrity, in such perfection that to compliment a judge on the possession of these merits would be either an insult or an absurdity. The result of this high character has been to inspire a feeling of unlimited popular confidence. When the House of Commons wished to render effective the laws against bribery no better course suggested itself than to transfer to the judges the delicate functions exercised by election committees. The bench attempted, on grounds to which the public never did full justice, to decline a difficult and invidious task; but the nation thrust on the highest judges powers and responsibilities which they would gladly and perhaps wisely have declined. Nor is English respect for the judges due to national vanity. On such a subject no testimony can be of greater worth than the remark of Americans. They are not prone to over-rate English institutions, and they closely study and fully understand the working of a system of law which in its essential features is the same as their own. Whatever defects they may find in English institutions, they are unanimous in their eulogies of the English bench.

“Whatever,” writes one of the most respectable American journalists, “may be the complainings of the English newspapers, and the chronic discontent of the English people, and the ridicule thrown on the law by humorists and novelists, it

must be evident to any rational mind that administering justice according to a rational and uniform standard is an immense task, and that the facts we have enumerated constitute an immense result. An active manufacturing and commercial community whose daily transactions run through every form of human device and extend to every quarter of the habitable globe, which is moreover embarrassed by greater accumulations of wealth than any other community in the world, is necessarily one that abounds in all the causes of litigation. These new and intimate and complex transactions of men, involving mutual dependence and trust, and aiming always at the acquisition of wealth, must lead to novel conditions and unforeseen occurrences, and may be said to breed disputes : when, therefore, such a people can reduce the judges of their superior courts to less than one for every million of inhabitants, and find that all of their litigious business is disposed of without accumulation, they demonstrate beyond all reasonable doubt that, notwithstanding a few exceptional cases, the mass of their disputes is disposed of in advance of legal proceedings, and the remainder with such certainty and rapidity that men cannot resort to the law as a mere speculation in which something may turn up to their advantage, and delinquent debtors cannot invoke its aid as a roundabout form of injunction which, by the ultimate payment of costs, will grant them several years of dishonest delay. Such a result is certainly a very great achievement of human

intelligence, and may be said to be the direct fruit of intelligent perseverance which has been content to learn by experience and to improve and perfect without resorting to the revolutionary remedy of hasty destruction."

Take, again, this extract from the speech of Senator Carpenter, who is manifestly no enthusiastic friend of Great Britain :—

"I am no admirer of the British government, but with all her injustice, with her oppression of Ireland, and the blood that stains her garments in India and in her other possessions, yet to her glory it must be said, that in no other nation on earth is the law after it is made so impartially applied to all classes of society as in England. Wealth and influence, even noble blood, give no immunity to crime in a British court. The rich and the poor, the nobleman and the peasant, a prince of the blood and a scavenger of London, stands on a perfect level at the bar of justice in a British court."

No one who reflects upon public affairs can fail to be aware of the benefits, indirect as well as direct, which flow from the high reputation of the bench. It alone makes a cumbrous mode of trial work good in practice. To it is in great part due the reverence for law which it is of vital importance to preserve in a community becoming day by day more democratic, since, as anyone may perceive who studies the phenomena of American society, a disregard for law is the rock upon which popular governments are most likely to make shipwreck. But while everyone

admits the virtues of the judiciary, and the immense benefits which these virtues confer upon the country, most persons are, from the very fact of their being accustomed to judicial excellence, inclined to look upon the merits of the bench as existing in virtue of some law of nature, and never think of inquiring whence these virtues spring, how they may possibly be impaired, and to what course of policy we ought to look for their preservation. Hence, curiously enough, persons who would consider with circumspection any proposal which altered the constitution of Parliament or the position of the clergy, never scan with attention measures which seriously affect the position of the judges. To this habit of mind must be attributed the noteworthy fact that, at the very time when the judges display by universal consent all the virtues appropriate to their office, when they are more popular than at any preceding period, when everyone admits the importance of maintaining a high-minded and incorruptible judiciary, there prevails an impression that both the work of the judges may be increased and their rewards be directly or indirectly diminished. Demands for shorter vacations, for more frequent circuits, for more expeditious decisions (most of them perfectly reasonable demands in themselves), are, it should always be remembered, demands that the courts should turn out more work. The outcry for diminished expenditure on the administration of justice is, in many cases, merely a demand that the payment of the courts—that is, of the persons who administer justice—

should be diminished. This wish, indeed, has not been expressed in so many words. It may, indeed, well be doubted whether the people in general have any strong desire even for reasonable reductions in public expenditure. But it is certainly true that an idea prevails among politicians, that the law courts afford a field for the exercise of economy. At one moment criticism is directed against the pensions enjoyed by ex-chancellors, though such pensions are often a very moderate compensation for the loss of large private interests. At another time reports are current that a judgeship is left unfilled under the hopes of ultimately getting rid of the office. Now, the salaries of judges' clerks are cut down, at another moment a great measure of judicial reform is risked in order to avoid an increase in the number of judges. It may indeed be said that the idea of economising by curtailing the sums expended on the administration of justice was peculiar to Mr. Gladstone's Government. But this is not so. The really noble zeal of that Ministry on behalf of public economy may probably, in some cases, have led them into the commission of errors. But the truth is, that the tendency to pay public services, and especially the services of judges, at a comparatively low rate, is, if we may judge by American experience, a character of modern society. One circumstance is sufficient to show that the desire to economise in the cost to the nation of administering justice is not peculiar to any Ministry.

When Englishmen hear of the judicial scandals in

the United States, they assume, naturally enough, that the Great Republic is falling into a condition of general and hopeless decay. But the truth is, that the moral and intellectual fall of some of the judicial bodies in America is due to special causes, and not to the general decline or corruption of the nation. The American people as a whole have, like other nations, their special defects, but they have also their special virtues; and an impartial observer might well maintain that the morality of America is on the whole as high as that of Europe. What is really noteworthy is that in several States the character of the judiciary has sunk far below the character of the nation, and, what is remarkable, far below the character of the bar. The theory, again, which attributes the excellence of the bench to the moral virtues of the people, is met by the difficulty that the pre-eminence in morality of the English public is a dubious hypothesis. It can hardly be said that freedom from corruption or hatred of official incapacity have ever been the marked traits of any Anglo-Saxon community. Neither law nor religion has put an end to an electoral venality which shocks the moral feelings of Frenchmen or of Germans, and the high character of our judges was formed during the period when members of Parliament accepted bribes, and flourishes in an age when members of Parliament are not always men of high character. The reply again suggests itself that the virtues of the judges are directly due to the high character of the men promoted to the bench. But a little con-

sideration shows that this answer does not in reality square with the facts of the case. Unscrupulous politicians and barristers whose private lives have not always been unblemished have been promoted to the judgment seat. The result has always been the same. The reckless politician, and the shifty advocate, has turned out a just and incorruptible judge. From whatever side the question be examined the conclusion will be found to follow, that the virtues of the English bench are the fruit of English institutions.

These institutions have conferred upon the judges great dignity and complete independence, but have, at the same time, set strict limits on their powers of arbitrary action. To this combination of high position and independence with limitation of power, which results from several causes traceable throughout English history, the peculiar merits of the bench are originally due. To see that this is so it is necessary to examine somewhat further these special traits of our judicial system.

What we have termed the dignity of the bench is itself the result of complex circumstances. The official dignity of the judges was secured originally by their being the direct representatives of the Crown, by their having always been in one form or another highly remunerated and it must be added, by their very limited number. The judges, in fact, have always been not only highly remunerated royal officials, but the leaders of a profession which in England has always occupied an exceptionally high

position. The dignity of the bench has cast a reflected lustre on the Bar, whilst the social position of barristers has ensured that judges chosen from the leaders of the Bar should share the sentiments of the higher classes of society. The close character of the profession (for until comparatively recent times the Bar was practically a close profession); the separation between barristers and attorneys, which in former times was practically far wider than it is now; the importance which, under a parliamentary constitution, attaches to a rhetorical power—have all tended to raise the social prestige of the Bar, and generally to make our politicians lawyers, and our lawyers politicians. Till the earlier part of this century the career of statesmanship was open to few except the noble or the wealthy. The connection between the Bar and statesmanship therefore involved originally, to a far greater degree than at present, the connection between the Bar and the gentry. The judgeships indirectly, and the Chancellorship directly, have always been the prizes of political success. Add to this that the law has been almost the only career by which a man could raise himself and his family to the rank of nobility. Take all these circumstances, and others which might be enumerated, together, and it becomes easy to understand how the judges imbibed the principles and prejudices of an aristocracy. In estimating the social position of the judges, it must be remembered that either from statesmanlike foresight or from a happy accident, our superior magistrates have been

constantly surrounded by every kind of dignified association. Even now a greater amount of public honour is paid to a judge than to any other official. A Prime Minister is a far more powerful person than a judge of the King's Bench. But a judge of the King's Bench appears before the public, when exercising his duties, surrounded with an amount of honour which is not at any time paid to a Prime Minister. It is easy to underrate the effect of the trappings and ornaments of office. Modern opinion holds them too cheap. No candid observer will, especially if his attention has been turned to the judicial system of America, be inclined to deny that simple but splendid forms and ceremonies may exercise considerable effect in preserving judicial dignity, and, with it, judicial virtue.

The causes already enumerated have produced a tradition of judicial virtue, by which, in its turn, such virtue is preserved and strengthened. A judge of the Court of King's Bench must be peculiarly proof against the charm of what may be termed the rhetoric of history, or else must be singularly deficient in all gifts of imagination, if he is not consciously or unconsciously swayed by the traditions of worth, of dignity, and of justice, handed down by the great men who have been his predecessors in that noble tribunal. Any man who is not callous to shame feels that his own disgrace, if he falls, is doubled by the virtues of the men who before him have held the office which suffers degradation in his person. Judges have constantly been raised in their

own character by the character of the Court to which they belong, and if it be thought that this assertion savours of rhetorical exaggeration, everyone will admit that originality in crime is as rare as in any other field of human activity. The first modern English judge who, for example, takes bribes, should such a case ever unfortunately arise, will be a man of original depravity and of a character as rare as it is vile. If, therefore, you examine carefully the course of our legal history, you will soon discover that the excellence of our superior courts has been due to a variety of circumstances, all tending in one direction. The judges have been the highly-paid eminent heads of a great, liberal, and almost aristocratic profession. They have been placed in a position of absolute independence. Their power to do evil has been singularly restricted, and they have for centuries been under the influence of traditions which would almost compel even an ill-disposed judge to pursue the path of judicial virtue.

From whatever point of view you may examine it, you will find that the Bar is tending to lose a certain aristocratic character, and is becoming more and more a business-like profession. This tendency must, in the long run, tell on the social status of the judges. Any diminution in the social prestige of the Bar must mean a certain diminution in the social prestige of the men who have attained their position by their eminence as barristers.

If the position of a judge has been indirectly affected by changes in the position of the Bar, it has

also been indirectly affected by the growth of democratic sentiment. This sentiment is so universal that it probably is sound; but it is impossible to diminish the actual dignity of office without at once diminishing in some slight degree its attractiveness to certain classes of minds, and without lessening, though it may be very slightly, a certain salutary restraint imposed by the ceremonies of dignified etiquette. Closely connected with the modern distaste to ceremony is the feeling that a man who holds a public situation of dignity and emolument ought in return to do hard work for the public. This sentiment is in itself one of the most respectable traits of modern society, and its growth is gradually revolutionising and reforming more than one of our national institutions. But this feeling, true as it is in itself, is apt to lead to the over-tasking of all officials; for taxpayers are not to forget that though a man who receives public pay ought to give good work in return, yet hard and incessant work is frequently incompatible with the rendering of really good and efficient service. The routine labours of a judge, for example, have year by year been increased. The sitting in chambers, the more frequent circuits, the curtailment of vacations, each and all mean the increase of judicial labours.

The effective administration of justice depends on the judges being, at any rate, on a level with, and, if possible, superior as a body to, the leaders of the Bar. It is the fact that our judges are the most eminent men in the legal profession which makes

our system work with any good result. An English judge has to achieve two objects, both of which are in practice so admirably attained that the public fail to see the difficulty of their attainment. He must, on the one hand, keep a strict control on the barristers who practise before him; to use an expression employed in a recent trial, he must be "king and lord in his own court." He must, on the other hand, guide, direct, and even in some cases dictate, the decision of the jury. He has for the achievement of both these objects very little to rely upon but the employment of moral force. The true end of judicial policy is, as far as possible, to extend to every court in the country the noble spirit and traditions which have so long animated our superior courts, and to the attainment of which all considerations, either of direct economy or even of immediate convenience, ought to give way.

Our existing system has some grave practical defects, but it has produced a body of judges possessing unequalled and almost unrivalled merits. To preserve these merits, and as far as possible to extend to every court in the British Empire the noble spirit and traditions which have long animated our superior courts, is the true end of judicial policy, to the attainment of which all considerations, either of direct economy or even of immediate convenience, ought to give way.

CHAPTER XVI.

THE AMERICAN BENCH AND BAR.

THE American advocate does not wear the becoming academic gown or the ridiculous horse-hair wig of the English barrister, but he is generally a practitioner of high ideals and dignity, and a citizen of culture and refinement.

There are no Inns of Court, or need of them, in the United States, their place being taken by modern schools of law attached to the great universities. Harvard and Yale, two ancient universities in a new land, have each most excellent law schools, leading, after three years' curriculum, to the degree of bachelor of laws.

New York City, Boston, Washington, and Chicago, all have local schools of law thoroughly equipped and of high standard. The requirements for the degree of bachelor of laws are fully as rigorous at any of these schools as at Oxford or Cambridge.

However, mere possession of the bachelor's degree is not enough to entitle one to be called or "admitted" to the American Bar. Each one of the forty-six States of the American Union by statute, prescribes the method by which a man or woman can be admitted to its Bar. These various methods differ only in details, so a fair idea can be

given by stating the requirements in New York State where it was my privilege to practise for a dozen years.

The applicant for admission to the Bar of New York may be either a male or female of 21 years of age or over, and either a citizen of the United States or one who has formally declared his or her intention of becoming naturalized. In addition to this the applicant must be either a university graduate or the holder of a certificate from the Regents of the University of the State of New York showing that the holder has successfully passed an examination on general educational subjects. The holder of a college diploma or Regent's certificate must then prove that he or she has served a clerkship in the office of a reputable lawyer for the period of one year before permission is given to undergo the "Bar Examination," which is conducted under the supervision of the judges of the Supreme Court. One of the important features of the Bar Examination is for the applicant to present to a "Committee on Character" evidence of good moral repute.

Upon satisfactorily fulfilling all these requirements the applicant is called into open court before a full bench of five judges, and while all the members of the Bar present rise the clerk of the court administers to the new "attorney and counsellor," the official oath. This oath, which is in three parts, is in substance that the person so swearing or affirming will (1) support the Constitution of the United States; (2) support the Constitution of the State of

New York ; and (3) conduct himself or herself faithfully as an officer of the court, and not to wrongfully delay or prejudice the rights of clients and litigants. After signing the Roll of Attorneys in the clerk's office, the latest successor to Hortensius and Cicero is at liberty to practise his or her profession both as an attorney or solicitor, and as a counsellor or barrister, in all tribunals, from the court of first instance to the court of last resort.

There are no artificial grades at the American Bar, no division of the profession into barristers and solicitors. The young lawyer just admitted to practice has the same right of audience in all the courts as the oldest practitioner. Several presidents of the United States, lawyers by profession, have at the conclusion of their executive term resumed practice at the democratic and scholarly American Bar.

The American lawyer is more technical and strenuous in trying a case than his English brother. He holds his opponent strictly to both the spirit and the letter of the law, and is a great stickler for the rules of evidence. One hears "I object!" or "objected to on the ground that it is immaterial, incompetent, and irrelevant" interposed at about every fourth question asked by examining counsel. When not objecting to the means and order of proof attempted by his adversary, the American advocate shows his strenuosity by taking "exception" to the rulings of the bench. With all his superabundant aggressiveness he is a fair and skilful fighter

who speaks good English distinctly and eloquently. As in England, the lawyer in America is expected to be a gentleman in and out of court, and he generally lives up to the expectation.

A comparison between the lawyers of England and the United States is not called for in this work. As an Englishman who is a member of the American Bar, the writer is pleased to note that the greatest lawyers of the past and present in America were, and are, men of English ancestry. Among the truly great lawyers of America the names of Daniel Webster, Henry Clay, Rufus Choate, William M. Evarts, and George M. Dallas shine most conspicuously in history; while in the present Joseph H. Choate, Frank S. Black, and John F. Milburn stand pre-eminent. All of these are of English origin, and the last named is an Englishman by birth.

No official costume is required of an American lawyer in or out of court. It is sufficient if he is clad in the ordinary garb of everyday life.

At present all of the judges of the Court of Appeals, and the justices of the Supreme and criminal courts wear black silk academic robes. Even the police magistrates in New York City now wear the judicial silk.

The horse-hair bob-wig of the British barrister is unknown in the United States—except upon the comic opera stage.

The same reasons which sanction the wearing by judges of the judicial robe can be urged to persuade

the American Bar to adopt an appropriate official costume. I believe that within a few years the lawyers of New York City will add to the dignity of their profession and to the courts of which they are officers, by wearing a black gown similar to that now worn by the English barristers.

It is only an exaggerated conception of democracy which has so far prevented the profession in America from adopting a simple but appropriate official garb. It is not evidence of democracy or sense for an advocate trying a jury case to argue before a dignified court a case while wearing a red necktie, white waistcoat and coat, and trousers fashioned in pattern after a chess board.

I may add in passing that it is also abominable for an advocate to try a case before a jury, displaying all the while dangling from his watch chain or fastened in a button-hole, emblems of secret and fraternal societies.

Not only in the matter of his admission to practice, but throughout his entire professional career the American lawyer is under the sole supervision of the courts. If he has violated his professional oath by any public or private misconduct he is subject to suspension or absolute disbarment by the judges of the Supreme Court. In every large community there is an Association of the Bar formed by the lawyers themselves, and one of whose principal functions is to maintain a high professional standard by prosecuting those who violate the oath of an advocate's high office.

The American Bar participates in the character of all the institutions of America. It is the natural avenue to political preferment, and a large proportion of the presidents, governors, legislators, and cabinet ministers have been lawyers.

However, it will be necessary to seek counsel and assistance outside of an Inn of Court, a law school, or the legal profession before the jurisprudence of both the British Empire and the United States of America becomes what it should be—the science of justice. The public in this and other countries is profoundly convinced that the administration of law is not what it should be, or what it could be. The law delays have always been counted among the special curses of civilized life. The glorious uncertainty of the law is taken as an evil which might be remedied if lawyers chose, and as a fate against which it is hopeless for the lay world to struggle. This despairing tone of public opinion has always been the most serious obstacle to the improvement of judicial machinery. Some time ago an eminent lawyer, since raised to the Bench, was soundly taken to task in the Press for having said that the great difficulty in reforming the law arose less from professional prejudice than from public apathy. And yet nothing more true was ever said. The interest taken in such subjects seldom rises beyond vague discontent with things as they are, and it scarcely ever seems to occur to thinking men outside of the profession, that although they are—and, indeed,

because they are—without the pale, they have something to teach as well as something to learn.

Instead of striving to force the technicalities of legal procedure into the mould of common sense, they are content to accept, without a thought, what lawyers offer them by way of remedy, consoling themselves with the reflection that if professional projects of reform may do little good, they cannot do much harm to what they believe to be a system of ingenious pitfalls.

No one, we hope, will suspect the writer of suggesting that the technical experience of lawyers should be superseded by the broad, but crude philosophy of unprofessional thinkers. Each class has its own function, and it is not difficult to define the appropriate boundaries of the province of lay thought. The errors of men who are not familiar with the practical working of legal institutions will be errors of detail. The vice of professional opinions is the neglect of first principles. The practice of an art is apt to obliterate from the mind the science on which its philosophy is founded, and it is in recalling and enforcing the larger doctrines which the actual business of life overlays, that the influence of unprofessional minds will be most beneficially exerted.

Much of the present reverence for existing judicial machinery is predicted upon ancient rot and superstition.

The history of judgecraft in America is probably as clean as that of any other new commonwealth.

Each State of the American Union being sovereign on local affairs has its own manner of selecting members of its judiciary. In some States, such as Massachusetts, which has the simplest and best system of judicature on the American Continent, the judges are appointed by the Governor, and hold office during life or good behaviour.

In other States, such as New York, the judges are in theory elected by the people, but in practice are appointed by the unofficial leader or "boss" of the dominant political party. Were it not for the fact that there are a number of gentlemen of sterling honour, intelligence, and culture, who now wear the judicial robe in that State, I would be tempted to say that it is a badge of distinction for a lawyer not to be a New York judge.

For the past eight years no man, no matter what his character, capacity or experience, could become a judge in the borough of Manhattan, New York City, without the consent of an ex-public house keeper who has been, and is, the chief of a corrupt political syndicate commonly called "Tammany Hall."

It is remarkable that the American people having the best form of government extant should delegate the actualities of governing to the lowest elements in the commonwealth.

When matters reach any great crisis in the nation's affairs the American quickly responds, but when the emergency is past, he puts aside all the most useful duties of citizenship for the sport of

dollar-hunting. So it is that a city of four millions of inhabitants in the States will go wild over the election of a mayor, and at the same time vote for a dozen judges without taking the trouble to ascertain the name of a single candidate. What a sad lack of the sense of political proportion !

Being dependent upon the favour of the political "boss" of their party, for a re-election to office, the judges of New York State are unfortunately hampered in their efforts to be free judicial agents.

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